

FFY 2006 ANNUAL PERFORMANCE REPORT  
AND  
STATE PERFORMANCE PLAN



**Commonwealth of Kentucky**  
**Kentucky Department of Education**  
**Division of Exceptional Children Services**

**February 1, 2008**



**Introduction and Overview of the FFY 2006  
Annual Performance Report  
And  
The State Performance Plan**

The Federal Fiscal Year (FFY) 2006 Annual Performance Report (APR) marks the third in a series of reports from the Kentucky Department of Education (KDE) required by the 2004 IDEA Reauthorization.

The initial report, the State Performance Plan (SPP), was submitted to the federal Office of Special Education Programs (OSEP) on December 2, 2005. It was a six-year plan that detailed how KDE would improve its performance for outcomes for students with disabilities, as well as improved compliance with IDEA. The SPP sets out twenty critical areas, known as indicators. Data were collected in each of the twenty areas, baselines were set and targets for performance projected for each of the six years of the Report (FFY 2004 through FFY 2010). Activities were developed to help KDE and its school districts meet the performance required by the projected targets.

KDE submitted its second report, the FFY 2005 APR, to OSEP on January 30, 2007. KDE also elected to revise its initial SPP to include information requested by OSEP for FFY 2005. Both the FFY 2005 SPP and APR were posted on the KDE web site.

KDE's FFY 2005 APR and SPP were approved by OSEP by letter dated June 15, 2007. In this letter (referred herein as OSEP's Response Letter), OSEP set forth additional requirements and information for KDE to add to its FFY 2006 reports. As a result, KDE has again revised its SPP and included it with the FFY 2006 APR submission.

The revised FFY 2006 SPP includes baseline data, targets and activities developed for "new" indicators (Indicators 7 and 14) that had not been required to be reported upon until this year, as well as Indicators for which KDE did not have data in FFY 2005 (Indicators 8, 9 and 10). In the process of re-submitting the SPP, KDE has also revised and omitted activities for some indicators, based upon data analysis of progress or slippage toward the indicator target. Additional information required by OSEP's Response letter is also included in the revised SPP.

As part of the SPP revisions, DECS met with its stakeholder group, the State Advisory Panel for Exceptional Children or SAPEC, at its quarterly meeting in October 2007. The SAPEC is responsible for establishing the targets for new SPP indicators and providing advice on proposed activities. The SAPEC established targets for Indicators 8 and 14 at the October meeting and reviewed activities for the indicators. The SAPEC membership was provided with the draft APR at its quarterly January 2008 meeting for

its review. KDE's Division of Early Childhood services also consulted with its stakeholder group in establishing targets and activities for Indicator 7.

For the past three years, Kentucky's SPP and APR have been developed by a work group consisting of staff from the Division of Exceptional Children Services (DECS), the Division of Early Childhood Services, and a representative from the Special Education Co-operative Network who serves as the State (Secondary) Transition Coordinator. Kentucky's liaison from Mid-South Regional Resource Center has also been closely involved with the work of this group.

The work group has met on an average of once a month. During this time, the membership of the work group has remained consistent. The work group's familiarity with all SPP indicators has enabled the group to see correlations among the indicators' data and the root cause analysis. The result is that the FFY 2006 APR has integrated its improvement activities across similar (and some seemingly different) indicators.

As part of the development of this year's APR submission, KDE continued regular conference calls with its OSEP state contact and its Mid-South liaison. KDE also participated in monthly APR technical assistance calls held by OSEP and conference calls held by Mid-South with other states in the region. KDE attended all national and regional conferences related to the development of the SPP and APR.

KDE will publicly report the results of the FFY 2006 APR and the SPP by posting them to the DECS website at:

[www.kde.state.ky.us/KDE/Instructional+Resources/Exceptional+Children/default.htm](http://www.kde.state.ky.us/KDE/Instructional+Resources/Exceptional+Children/default.htm)

Public reporting of school district performance on SPP targets will be posted to DECS' web site by Summer 2008.

Kentucky has seen great progress in indicator performance over the past three years of the SPP and APR. KDE continues to believe that the focus on district and state performance will lead to better outcomes for students with disabilities.

**Acronyms for the Kentucky Department of Education State Performance Plan  
and  
Annual Performance Report**

Adequate Yearly Progress	(AYP)
Admissions and Release Committee	(ARC)
Annual Performance Report	(APR)
Area Development Districts	(ADD)
Autism	(AUT)
Average Daily Attendance	(ADA)
Biennial Performance Report	(BPR)
Comprehensive Test of Basic Skills	(CTBS)
Commonwealth Accountability Testing System	(CATS)
Carolina Curriculum for Preschoolers with Special Needs	(CCPSN)
Consortium for Appropriate Dispute Resolution	(CADRE)
Continuous Improvement Monitoring Process	(CIMP)
Corrective Action Plan	(CAP)
Council for Exceptional Children	(CEC)
Council for Children with Behavior Disorders	(KyCCBD)
Developmental Delay	(DD)
Director of Special Education	(DoSE)
Disability Services Coordinators	(DSCs)
District Early Intervention Council	(DEIC)

**APR/SPP Acronyms****Part B****Kentucky**

Division of Exceptional Children Services	(DECS)
Emotional Behavioral Disability	(EBD)
Family Resource and Youth Service Centers	(FRYSCs)
Federal Fiscal Year	(FFY)
Free Appropriate Public Education	(FAPE)
Functional Assessment on Behavioral and Social Supports	(FABSS)
Functional Mental Disability	(FMD)
General Supervision Enhancement Grant	(GSEG)
Hawaii Early Learning Profile	(HELP)
Health Access Nurturing Development Services	(HANDS)
Helpful Entry Level Skills Checklist	(HELS)
Highly Skilled Educators	(HSE)
Human Development Institute at the University of Kentucky	(HDI)
Individual Education Program	(IEP)
Individuals with Disabilities Education Act	(IDEA)
Institution of Higher Education	(IHE)
Interagency Coordinating Council	(ICC)
Interdisciplinary Early Childhood Education	(IECE)
Kentuckiana Regional Planning and Development Agency	(KRPDA)
Kentucky Accessible Materials Consortium	(KAMC)

**APR/SPP Acronyms****Part B****Kentucky**

Kentucky Accessible Materials Database	(KAMD)
Kentucky Administrative Regulation	(KAR)
Kentucky Assistive Technology Systems	(KATS)
Kentucky Board of Education	(KBE)
Kentucky Center for Instructional Discipline	(KCID)
Kentucky Continuous Monitoring Process	(KCMP)
Kentucky Core Content Test	(KCCT)
Kentucky Department of Education	(KDE)
Kentucky Early Childhood Data System	(KEDS)
Kentucky Early Childhood Transition Project	(KECTP)
Kentucky Education Reform Act	(KERA)
Kentucky Educational Television	(KET)
Kentucky In-School Transition Survey	(KISTS)
Kentucky Instructional Discipline Schools	(KIDS Project)
(University of) Kentucky Training Into Practice Project	(K-TIPP)
Least Restrictive Environment	(LRE)
Legislative Research Commission	(LRC)
Limited English Proficiency	(LEP)
Local Educational Agency	(LEA)
Memorandum of Agreement	(MOA)

**APR/SPP Acronyms****Part B****Kentucky**

Mental Disability	(MD)
Mild Mental Disability	(MMD)
Mid-South Regional Resource Center	(MSRRC)
National Center for Culturally Responsive Educational Systems	(NCCRESt)
National Center for Special Education Accountability Monitoring	(NCSEAM)
National Center on Post-School Outcomes	(NPSO)
National Instructional Materials Access Center	(NIMAC)
National Secondary Transition Technical Assistance Center	(NSTTAC)
No Child Left Behind	(NCLB)
Occupational Therapy	(OT)
Office of Legal and Legislative Services	(OLLS)
Office of Special Education and Rehabilitative Services	(OSERS)
Office of Special Education Programs	(OSEP)
Office of Special Instructional Services	(OSIS)
Other Health Impairment	(OHI)
Parent Advocacy Coalition for Educational Rights	(PACER)
Parent Resource Center	(PRC)
Physical Therapy	(PT)
Positive Behavior Supports	(PBS)
Professional Development	(PD)

**APR/SPP Acronyms****Part B****Kentucky**

Regional Training Centers	(RTCs)
Request for Proposal	(RFP)
School-wide Information System	(SWIS)
Socio-Economic Status	(SES)
Special Education Tracking System	(SETS)
State Educational Agency	(SEA)
State Improvement Grant	(SIG)
State Improvement Grant, Nurturing All Learners	(SIGNAL)
Specific Learning Disability	(SLD)
Speech and Language	(S/L)
State Advisory Panel for Exceptional Children	(SAPEC)
State Education Agency	(SEA)
State Performance Plan	(SPP)
Student Information System (SIS)	
Transdisciplinary Play Based Assessment	(TPBA)
United Parents in Kentucky	(UPINKY)
Universal Design for Learning	(UDL)
Work Sampling System	(WSS)



## Part B State Annual Performance Report (APR) for 2006

**Overview of the Annual Performance Report Development:** See Introduction.

### Monitoring Priority: FAPE in the LRE

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

Based on direction from OSEP, Kentucky is presenting graduation rate data for students with disabilities only. Kentucky's SPP has been revised to reflect this directive. The SPP is posted at [www.education.ky.gov](http://www.education.ky.gov).

Using Section 618 data, Kentucky utilizes the OSEP method to calculate the graduation rate for students with disabilities.

$$\frac{\text{\# graduates receiving regular diplomas}}{\text{\# graduates + \# GEDs (and certificates) + \# dropouts + \# who maxed in age + \# deceased}}$$

FFY	Measurable and Rigorous Target
2006-2007	Sixty-six and seven-tenths percent (66.7%) of students with disabilities will graduate with a regular diploma

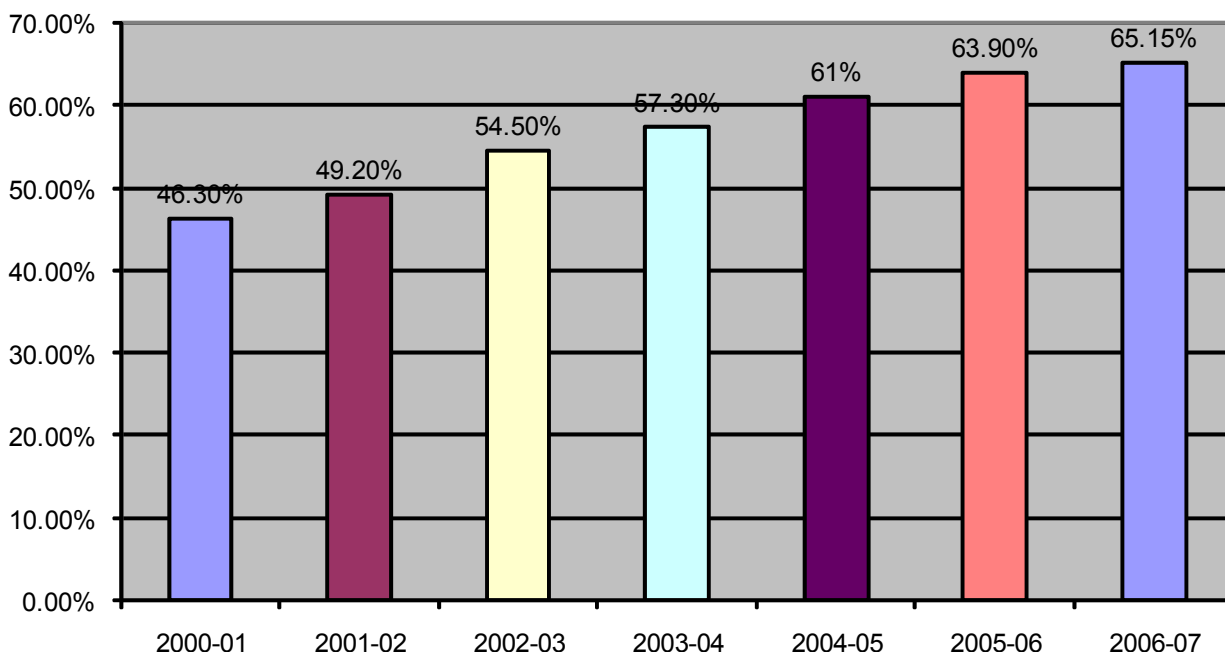
**Actual Target Data for 2006-2007 (FFY 2006):** 65.15%

*Kentucky 2006-2007 Section 618 Exiting Data:*

$$\frac{3,383 \text{ graduates receiving regular diploma}}{3,383 \text{ grads} + 411 \text{ certificates} + 1,357 \text{ dropouts} + 22 \text{ aged out} + 20 \text{ deceased}}$$

$$\frac{3,383}{5,193} = 65.15\% \text{ Graduation Rate for Students with Disabilities}$$

### Graduation Rate of Students with Disabilities Based on Section 618 Exiting Data 2001-2007



As reflected in the table above, there has been a steady increase in the graduation rate of students with disabilities, from 46.30% in 2000-2001 to 65.15% in 2006-2007.

Although Kentucky did not meet its target of 66.7% for 2006-07 (FFY 2006), there was an increase of 1.25% in the graduation rate for students with disabilities. The graduation rate rose from 63.90% in 2005-06 to 65.15% in 2006-07.

The validity and reliability of the Section 618 data are addressed under Indicator 20.

#### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007 (FFY 2006):

**Explanation of Progress:** Progress was made toward the target, from 63.90% to 65.15%. The target for Indicator 1 (66.7%) was not met for 2006-2007.

DECS will continue its plans for improvement but will increasingly emphasize to school districts the importance of students with disabilities graduating through public reporting of Indicator 1. This will add an accountability component to the district level improvement plans submitted through the Kentucky Continuous Monitoring Process (KCMP).

Contributing to progress toward the target for Indicator 1 was progress made in the following activities:

- Dissemination of information on successful transition practices
- Initiation of pilot projects
- Increased collaboration with general education divisions within KDE
- Clarification of requirements and standards through the KCMP self-assessment process
- Use of regional staffing to address transition needs in each Special Education Cooperative
- Direction provided by the State Transition Coordinator
- Continued partnership with the national centers (National Postschool Outcomes Center (NPSO); National Secondary Transition Technical Assistance Center (NSTTAC); National Dropout Prevention Center for Students with Disabilities (NDPC-SD))

**Discussion of Improvement Activities Completed:**

The discussion of improvement activities in Kentucky's SPP Indicators 1, 2, 13, and 14 are aligned to coordinate efforts to increase performance. Therefore, the discussion of activities completed and the explanation of progress or slippage that occurred for 2006-2007 are summarized here for Indicators 1, 2, 13, and 14. The activities listed below were designed to address the following types of strategies:

- Provide training/professional development;
- Clarify/examine/develop policies and procedures;
- Improve systems administration and monitoring;
- Improve collaboration/coordination;
- Improve data collection;
- Provide technical assistance;
- Increase/adjust staff time;
- Develop programs; and
- Evaluate activities

The following list of activities has been reorganized into categories according to the Taxonomy for Transition Programming (Kohler, P.D. (1996). University of Illinois). The categories of the Taxonomy include: Student Focused Planning; Student Development; Family Involvement; Interagency Collaboration; and Program Structure. The reorganization of activities is reflected in the SPP posted at [www.education.ky.gov](http://www.education.ky.gov).

Activities	Discussion of Improvement Activities Completed
<b>Student Focused Planning</b>	
<p>DECS staff will serve on the committee in development and implementation of the Individual Learning Plan for all students. Special Education Co-op Transition Consultants will align transition-requirements training with the Individual Learning Plan process.</p>	<ul style="list-style-type: none"> <li>• Individual Learning Plan trainings began fall 2006 and will continue through spring 2007.</li> <li>• IEP training was aligned with Individual Learning Plan requirements.</li> <li>• Work to begin on ILP for students in certificate programs during 2007-2008.</li> </ul>
<p>Special Education Co-op Transition Consultants will meet with the Kentucky Association on Higher Education and Disability regarding disability documentation needs of students entering postsecondary education institutions after graduation and to develop technical assistance documents and professional development for high schools and post-secondary institutions.</p>	<ul style="list-style-type: none"> <li>• The Disability Documentation Team completed its work. The document, "Access to Postsecondary Education" was released to Directors of Special Education in November 07.</li> <li>• The document is posted on the KDE web site at::  <a href="http://education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/Forms+and+Documents/Postsecondary+Transition.htm">http://education.ky.gov/KDE/Instructional+Resources/Exceptional+Children/Forms+and+Documents/Postsecondary+Transition.htm</a> </li> </ul>
<p>DECS and Special Education Co-op Transition Consultants will establish a pilot project on student-led IEPs (SD-IEP) in each Special Education Co-op region.</p>	<ul style="list-style-type: none"> <li>• The Transition Special Education Consultants completed the Kentucky SD-IEP training module and materials toolkit.</li> <li>• Each Special Education Cooperative was given a complete toolkit. Trainings will begin during Spring / Summer of 2008.</li> </ul>

Activities	Discussion of Improvement Activities Completed
DECS will update the Kentucky Dropout Prevention Resource Guide (a web-based research guide).	<ul style="list-style-type: none"> <li>• NDPC-SD will be asked to assist DECS in revising and reviewing the Kentucky Dropout Prevention Resource Guide.</li> <li>• A cross-agency committee will conduct the work of review and revision. Divisions of the KDE that will be asked to participate include Secondary Education and Virtual Learning; Career and Technical Education; Exceptional Children Services; Leadership and School Improvement; and Curriculum Development.</li> </ul>
DECS will disseminate research-based strategies through the National Dropout Prevention Center	<ul style="list-style-type: none"> <li>• DECS is using the Transition In-Box distribution as one means of disseminating strategies.</li> <li>• DECS will also use the Dropout Prevention Resource Guide (listed above as an activity) to disseminate strategies</li> </ul>
DECS will develop a marketing strategy for the use of dropout prevention resources and strategies by districts with embedded follow-up on a regional basis.	<ul style="list-style-type: none"> <li>• Transition Network Team is developing materials for dissemination to school districts.</li> </ul>
DECS will continue email distribution (Transition In-Box) of research-based and effective strategies for transition to districts.	<ul style="list-style-type: none"> <li>• DECS will continue its email distribution of strategies through the Transition In-Box.</li> </ul>

Activities	Discussion of Improvement Activities Completed
<b>Student Development</b>	
DECS staff and Special Education Co-op Transition Consultants will disseminate information to special education personnel regarding interdisciplinary courses created through a collaborative effort led by the Division of Career and Technical Education.	<ul style="list-style-type: none"> <li>Information is being disseminated as it is developed.</li> </ul>
DECS will publicize the use of Kentucky Virtual High School (on-line courses for high school credit) by <u>all</u> students.	<ul style="list-style-type: none"> <li>Information is being disseminated as it is developed.</li> </ul>
Special Education Co-op Transition consultants will develop and disseminate a training module on self-advocacy and self-determination to districts.	<ul style="list-style-type: none"> <li>The module is being reviewed and revised to address new state regulations.</li> </ul>
DECS will review and enhance the Community-based Work Transition Program (CBWTP) to increase program effectiveness and district participation.	<ul style="list-style-type: none"> <li>The Office of Vocational Rehabilitation (OVR) has taken the lead on this activity. OVR conducted regional meetings to make districts aware of changes.</li> <li>Trainings are being developed for districts that do not participate in the CBWTP. Coop Directors were updated and plans for regional meetings are being made for Spring 2008.</li> </ul>

Activities	Discussion of Improvement Activities Completed
<b>Family Involvement</b>	
<p>DECS staff will compare the data from the parent survey described under Indicator 8 (Parent Involvement) and the data from Indicator 14 (postschool outcome survey) to determine correlations between parent involvement and successful student outcomes in graduation. Based on data, DECS will develop interventions and strategies to increase high school graduation.</p>	<ul style="list-style-type: none"> <li>DECS staff will be examining survey data for relevant correlations.</li> </ul>
<p>Special Education Co-op Transition consultants in partnership with DECS develop parent training modules that will be used by the Parent Resource Centers, the Kentucky Special Parent Involvement Network (KYSPIN) or both.</p>	<ul style="list-style-type: none"> <li>Transition Special Education Cooperative Consultants have completed this training module.</li> </ul>

Activities	Discussion of Improvement Activities Completed
<b>Interagency Collaboration</b>	
<p>DECS and the Kentucky Transition Collaborative will continue:</p> <ol style="list-style-type: none"> <li>Providing training and technical assistance to schools and adult services agencies</li> <li>Establishing and supporting regional demonstration projects to improve transition services on a local level</li> <li>Establishing and facilitating continuation of community, regional and state level interagency transition teams (See Infrastructure chart as Indicator 1 Attachment A).</li> <li>Developing and maintaining a statewide transition database</li> <li>Developing and disseminating information and materials on transition and transition planning</li> <li>Engaging interagency partners in design and implementation of Kentucky Postschool Outcomes data collection system.</li> </ol>	<ul style="list-style-type: none"> <li>The Kentucky Transition Network (SIG Transition Coordinator, State Transition Coordinator, DECS Program Consultant (transition) and Special Education Cooperative Consultants) meet at least quarterly. The team will continue to provide training and technical assistance to school districts and schools on an ongoing basis.</li> <li>The Kentucky Interagency Transition Council will continue to meet quarterly.</li> <li>The Interagency Transition Core Team will continue to meet regularly to maintain support and leadership to Regional Interagency Transition Teams.</li> <li>Special Education Cooperative Consultants will continue to serve as the Chairpersons of the Regional Interagency Transition Teams.</li> <li>Regional Interagency Teams continue to produce annual evaluation reports of their work and action plans outlining responses to regional needs.</li> <li>As part of its action plan, the Kentucky Transition Network will be developing and disseminating materials on transition and transition planning</li> </ul>
<p>DECS and interagency partners will continue work on development of the <i>Transition One-Stop</i> website for all transition points, birth through adult.</p>	<ul style="list-style-type: none"> <li>The Transition One-Stop Committee continues to refine the website.</li> <li>The Transition One-Stop website is open, but under construction at: <a href="http://www.TransitionOneStop.org">www.TransitionOneStop.org</a></li> </ul>



Activities	Discussion of Improvement Activities Completed
<b>Program Structure</b>	
KDE will continue funding the position of Transition Consultant in each of the eleven Special Education Co-ops. State transition initiatives drive the work of the Transition consultants as liaisons between KDE and the local school districts, provide professional development, and provide technical assistance to their schools and districts, including Individual Graduation Planning, Interagency Agreements and facilitation of Regional Interagency Transition Teams, and IEP Transition requirements.	<ul style="list-style-type: none"> <li>• DECS has funded these positions for three years (2005-2008). We anticipate funding will continue.</li> </ul>
KDE will continue funding the position of State Transition Coordinator through DECS.	<ul style="list-style-type: none"> <li>• DECS has funded this position for three years (2005-2008). We anticipate funding will continue.</li> </ul>
DECS will evaluate improvement activities by scheduling annual data analysis reviews of the KCMP and Section 618 data.	<ul style="list-style-type: none"> <li>• DECS staff and Special Education Cooperative Directors held data analysis review in May 2007.</li> <li>• DECS staff and Coop Directors continue to analyze data</li> <li>• KCMP Subcommittee of KDE's General Supervision Stakeholder Group continue to review and revise the KCMP Indicators to align with the SPP, including the guidelines of the NSTTAC Indicator 13 Checklist.</li> </ul>

Activities	Discussion of Improvement Activities Completed
<p>DECS will schedule annual data analysis reviews to determine underlying causes for higher drop-out rates for students with disabilities when compared to the general population.</p>	<ul style="list-style-type: none"> <li>• DECS staff and Special Education Cooperative Directors held data analysis review in May 2007.</li> <li>• DECS staff and Coop Directors continue to analyze data.</li> <li>• KCMP Subcommittee of the KDE General Supervision Stakeholder Group continued its work. The members are reviewing and revising the KCMP Indicators to align with the SPP, including the guidelines of the NSTTAC Indicator 13 Checklist.</li> </ul>
<p>DECS will develop additional data collection tools to determine program effectiveness and facilitate targeted activities for improvement.</p>	<ul style="list-style-type: none"> <li>• DECS staff and advisory groups continuing to refine survey protocols for Indicator 14 regarding post-school outcomes.</li> <li>• In-school survey for Indicator 14 developed and implemented with submission date by districts in June of each year.</li> <li>• The One Year Out survey for Indicator 14 was created as a telephone computer-assisted survey.</li> <li>• Work continues with NPSO regarding the sampling calculator and response calculator for Indicator 14.</li> <li>• KCMP Subcommittee of the General Supervision Stakeholder Group continues its work. The members are reviewing and revising the KCMP Indicators to align with the SPP, including the guidelines of the NSTTAC Indicator 13 Checklist.</li> </ul>

Activities	Discussion of Improvement Activities Completed
DECS will examine Kentucky's transition-related activities and align them with the National Standards and Indicators for Secondary Education and Transition for program effectiveness. DECS will disseminate Standards to interagency partners, Co-op Transition consultants, Directors of Special Education, KDE staff, and IHEs.	<ul style="list-style-type: none"> <li>The Kentucky Network Team continues work on aligning activities. A fresh look will be taken using the Taxonomy for Transition Planning, a model for planning, organizing, and evaluating transition education, services, and programs. [Kohler, P.D. (1996). University of Illinois]</li> </ul>
<p>DECS will continue its partnership with the National Center for Secondary Education and Transition, the National Secondary Transition Technical Assistance Center, the National Dropout Prevention Center, and the National Post-School Outcomes Center through:</p> <ol style="list-style-type: none"> <li>Conference calls</li> <li>Email communication</li> <li>National Conference attendance</li> </ol>	<ul style="list-style-type: none"> <li>An interagency team attended National State Planning Institute in Charlotte in May 2007.</li> <li>SIG Transition Coordinator and State Transition Coordinator continue to participate in conference calls and/or e-mail communications.</li> <li>DECS is continuing to use NPSO's Sampling Calculator and Response Calculator for Indicator 14.</li> </ul>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-2007 (FFY 2006).**

All revisions described below are reflected in Kentucky's revised SPP posted at [www.education.ky.gov](http://www.education.ky.gov).

One activity was revised as follows (*italicized*) to clarify the intent of the activity.

Activities	Timelines	Resources
DECS <i>will evaluate improvement activities</i> by scheduling annual data analysis reviews of the KCMP <i>and Section 618 data</i> .	February 2006 and annually	DECS Mid-South Regional Resource Center
<b>Justification:</b> Language was needed to clarify the intent of the activity.		

One activity was revised as follows (italicized) to add interagency responsibilities.

Activities	Timelines	Resources
<p>DECS and the Kentucky Transition Collaborative will continue:</p> <ol style="list-style-type: none"> <li>Providing training and technical assistance to schools and adult services agencies;</li> <li>Establishing and supporting regional demonstrations projects to improve transition services on a local level;</li> <li>Establishing and facilitating continuation of community, regional and state level interagency transition teams (See Infrastructure chart as Indicator 1 Attachment A);</li> <li>Developing and maintaining a statewide transition database;</li> <li>Developing and disseminating information and materials on transition and transition planning; and</li> <li><i>Engaging interagency partners in design and implementation of Kentucky Postschool Outcomes data collection system.</i></li> </ol>	2006-2010	<p>DECS</p> <p>Special Education Co-op Transition Consultants Interdisciplinary Human Development Institute, University of Kentucky Mid-South Regional Resource Center</p>
<p><b>Justification:</b> An additional responsibility was added to address interagency collaboration regarding development of the Kentucky Postschool Outcomes data collection system.</p>		

Five activities were added, as described below, in response to the baseline data collected for Indicator 14.

Activities	Timelines	Resources
HDI-UK and DECS staff will continue to work with the Special Education Cooperative Transition Consultants to identify interviewers at the school district level and to provide systematic training of these school personnel who will be conducting interviews for both the KISTS and the OYO.	2008-2010	DECS Special Education Co-op Transition Consultants HDI-UK
HDI-UK and DEC staff will examine state level policies/procedures in regard to postschool outcome data collection to identify those that might improve the accuracy and response rate of the system.	2008-2010	DECS Special Education Co-op Transition Consultants HDI-UK
HDI-UK and DECS staff will utilize the data collected to inform and improve the postschool outcomes of youth by providing regional and LEA reports, in addition to the statewide data.	2008-2010	DECS Special Education Co-op Transition Consultants HDI-UK
HDI-UK staff will meet with each of the Special Education Cooperatives to discuss their data and facilitate their understanding of how they can use the data to make regional and local improvements, including implementing strategies for increasing response rates.	2008-2010	Special Education Co-op Transition Consultants HDI-UK NPSO ( <u>Strategies for Increasing Response Rates</u> )
KDE/DECS will engage the Kentucky Postschool Outcomes Advisory Group and the Kentucky Interagency Transition Council (KITC) in conversations to identify barriers to employment and/or enrollment in postsecondary education for youth with disabilities.	2008-2010	DECS HDI-UK KPSO Advisory Group KITC
<b>Justification:</b> After reviewing the baseline data for Indicator 14, additional activities were needed.		

Five activities were deleted after discussion with stakeholder groups. These activities, as presented in the SPP, are listed, with justification, in the table below.

Activities	Timelines	Resources
KDE (including DECS staff) collaborates with selected schools serving students in alternate placements to implement new assessments, student planning and online resources as ways to increase the quality of instruction and boost student achievement.	December 2005 – May 2008	DECS Kentucky Educational Collaborative for State Agency Children
<b>Justification:</b> Another Division within KDE is completing this activity.		
Each KDE initiative that affects students with disabilities shall include a minimum of one DECS staff person to serve as members of the team to increase communication and collaboration both intra- and inter-departmentally within KDE.	December 2005 and ongoing	DECS Other divisions within KDE
<b>Justification:</b> This was deleted as an activity since it is a means to achieve the other activities, not an activity within itself. However, DECS continues to seek participation in any KDE initiative involving postsecondary transition.		
DECS will partner with the University of Kentucky and Special Education Cooperatives to form a collaborative relationship with the Commonwealth Center for Instructional Technology and Learning (CCITL) to disseminate evidence-based and effective strategies for instruction to districts.	December 2005 and ongoing	DECS Special Education Co-ops CCITL
<b>Justification:</b> CCITL is now being implemented in many school districts and is an effective resource in many school districts. Eastern Kentucky University is now the lead agency hosting the CCITL website. DECS and Cooperatives will continue to support EKU's efforts in this project.		
Special Education Cooperatives will establish an electronic network for sharing and dissemination of research-based and effective practices as well as professional development strategies and activities across Kentucky's Special Education Cooperative Network.	December 2005 – February 2007	DECS Special Education Co-ops Kentucky Virtual High School

Activities	Timelines	Resources
<b>Justification:</b> This initiative is being re-examined by the Special Education Cooperatives and is now on hold.		
DECS will contact KVHS regarding expanding course offerings in order to promote access and use by students with a career and technical focus.	July 2008-2010	DECS Kentucky Virtual High School
<b>Justification:</b> There were two activities addressing the use of Kentucky Virtual High School. This activity will be re-evaluated in the next SPP.		

### Analysis of Data/Determination of Noncompliances (from B15 Worksheet):

#### On-site Monitoring

Up until FFY 2005, the related requirements as they pertain to performance indicators, 1, 2, and 14, had been monitored by DECS by on-site visits, dispute resolution procedures, and the KCMP process. During FFY 2005, nine (9) out of the 12 districts that received on-site visits were found to be in noncompliance with these indicators. Of those findings, all were corrected within one year.

#### Formal Complaints and Hearings

During FFY 2005, no findings regarding Indicators 1, 2, 13 or 14 were issued through formal complaints or hearings.

#### KCMP Monitoring

Letters were issued to 58 districts by KDE early in FFY 2006, citing the districts for noncompliance with secondary transition requirements as set forth in Indicator 13. (See Table 1 below from the Indicator 15B work sheet.) However, given the timing of the notification letters of non-compliance, the districts are still within the one-year time frame they were given to correct the findings of noncompliance. This issue will be addressed in the FFY 2007 APR when data regarding timely correction of non-compliances are available.

Table 1

Indicator	General Supervision System Components	Number of Programs Monitored	Number of Findings of noncompliance identified in FFY 2005	Number of Findings from FFY 2005 which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma 2. Percent of youth with IEPs dropping out of high school	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	108	50
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP services that will reasonably enable student to meet the postsecondary goals	Dispute Resolution	0	0	0
14. Percent of youth who had IEPs, are no longer in school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Other:	0	0	0



As part of general supervision responsibilities, three activities were added, as described below, after review of noncompliances found under Indicator 15. The SPP has been revised and is posted at [www.education.ky.gov](http://www.education.ky.gov).

Activities	Timelines	Resources
DECS staff will provide state level training on the transition requirements of the IDEA (as measured by KCMP) at the annual spring meeting of local Directors of Special Education.	2008-2009	DECS
Special Education Co-op staff will provide regional level training on the transition requirements of the IDEA (as measured by KCMP) at their regional meetings with local Directors of Special Education.	2008-2010	DECS Special Education Co-op Staff
Special Education Co-op Transition Consultants will provide technical assistance regarding the transition requirements of the IDEA to individual school districts in their Cooperative areas.	2008-2010	DECS Special Education Co-op Transition Consultants

## Part B State Annual Performance Report (APR) for 2006

### Overview of the Annual Performance Report Development:

#### Monitoring Priority: FAPE in the LRE

**Indicator 2:** Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

Based on direction from OSEP, Kentucky is presenting dropout rate data for students with disabilities only. Kentucky's SPP has been revised to reflect this directive. The SPP is posted at [www.education.ky.gov](http://www.education.ky.gov).

Using Section 618 exiting data, Kentucky utilizes the OSEP method (event rate) to calculate the graduation rate for students with disabilities.

$$\frac{\text{special education dropouts from grades 9-12}}{\text{total number of special education students enrolled in grades 9-12}}$$

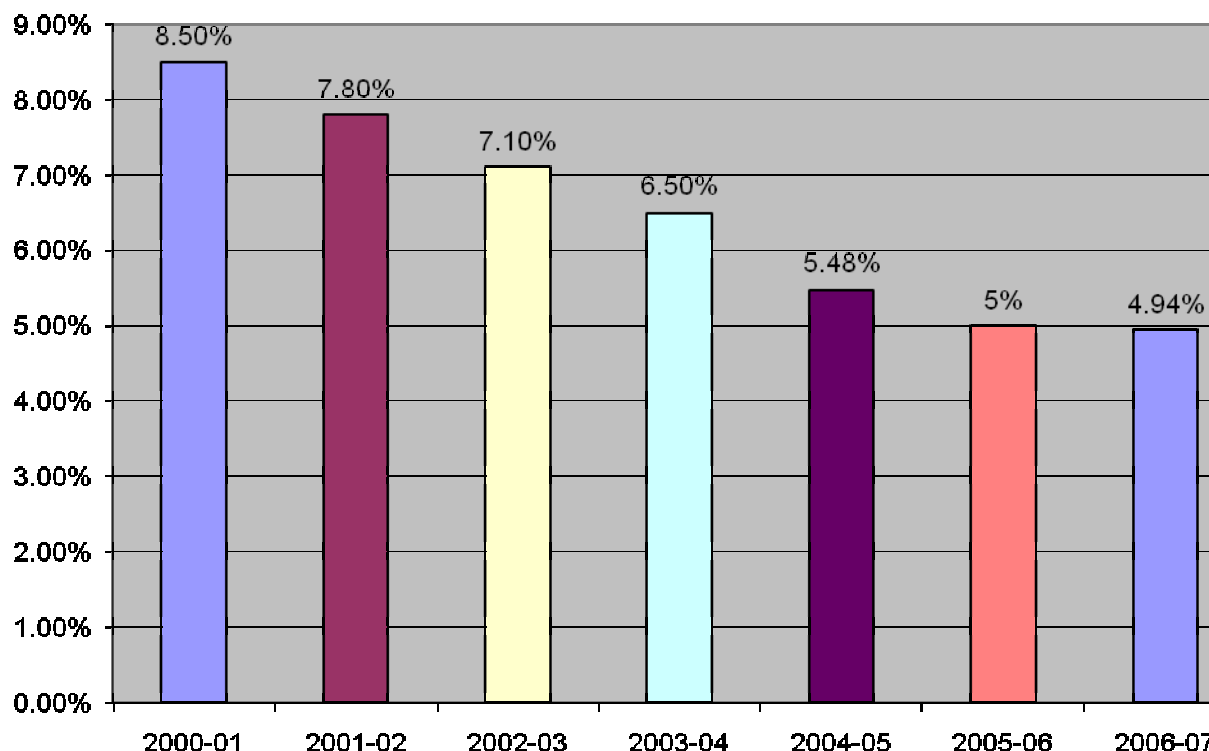
FFY	Measurable and Rigorous Target
2006-2007	The dropout rate for students with disabilities will decrease by four tenths of one percent (0.4%)

**Actual Target Data for 2006-2007 (FFY 2006):** 4.94%.

The Actual Target Data was obtained by using Kentucky's 2006-07 Section 618 Exiting Data:

$$\frac{1,357 \text{ special education dropouts from grades 9-12}}{27,468 \text{ Total number of special education students enrolled in grades 9-12}}$$

$$\frac{1,357}{27,468} = 4.94\%$$

**Table 1****Dropout Rate of Students with Disabilities Based on Section 618 Exiting Data  
2001-2007**

As reflected in Table 1, there has been a steady decrease in rate of dropout for students with disabilities, from 8.50% in 2000-2001 to 4.94% in 2006-2007.

Although Kentucky did not meet its target of 4.6% this year, there was a decrease of 0.06% in the dropout rate, from 5% in 2005-06 to 4.94% in 2006-07.

The validity and reliability of the Section 618 data are addressed under Indicator 20.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007 (FFY 2006):**

**Explanation of Progress:** Progress was made toward the target since the drop-out rate decreased from 5% to 4.94%. The target set for 2006-07 of 4.6% for Indicator 2 was not met. DECS will continue its plan for improvement and will emphasize the importance of decreasing the drop-out rate for students with disabilities to school districts, through the public reporting of district results for Indicator 2. This will add an accountability component to districts' plans for improvement submitted through the KCMP.

Attributing to progress toward the target for Indicator 2 was progress made in the following activities:

- Dissemination of information on successful transition practices
- Initiation of pilot projects
- Increased collaboration with general education divisions within KDE
- Clarification of requirements and standards through the KCMP process
- Use of regional staffing to address transition needs in each Special Education Cooperative
- Direction provided by the State Transition Coordinator
- Continued partnership with the National Centers (National Postschool Outcomes Center (NPSO); National Secondary Transition Technical Assistance Center (NSTTAC); National Dropout Prevention Center for Students with Disabilities (NDPC-SD))

**Discussion of Improvement Activities Completed:**

See discussion under Indicator 1. The discussion of improvement activities in Kentucky's SPP Indicators 1, 2, 13, and 14 are aligned to coordinate efforts to increase performance.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-2007 (FFY 2006):**

See discussion under Indicator 1. The discussion of improvement activities in Kentucky's SPP Indicators 1, 2, 13, and 14 are aligned to coordinate efforts to increase performance.

**Analysis of Data/Determination of Noncompliances (from B15 Worksheet):**

See discussion under Indicator 1. The noncompliances in the cluster area of transition, which includes Indicators 1, 2, 13, and 14, are described and addressed under Indicator 1.

**Part B State Annual Performance Report (APR) for FFY 2006****Overview of the Annual Performance Report Development: See Introduction****Monitoring Priority: FAPE in the LRE**

**Indicator 3:** Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts that have a disability subgroup that meets the state's minimum "n" size meeting the state's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. (20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

A. Percent =  $\left[ \frac{\text{\# of districts meeting the state's AYP objectives for progress for the disability subgroup (children with IEPs)}}{\text{total \# of districts that have a disability subgroup that meets the state's minimum "n" size in the state}} \right] \times 100$ .

B. Participation rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in regular assessment with no accommodations (percent =  $\left[ \frac{b}{a} \right] \times 100$ );
- c. # of children with IEPs in regular assessment with accommodations (percent =  $\left[ \frac{c}{a} \right] \times 100$ );
- d. # of children with IEPs in alternate assessment against grade level achievement standards (percent =  $\left[ \frac{d}{a} \right] \times 100$ ); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent =  $\left[ \frac{e}{a} \right] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $\left[ \frac{b + c + d + e}{a} \right]$ .

C. Proficiency rate =

- a. # of children with IEPs in assessed grades;
- b. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with no accommodations (percent =  $\left[ \frac{b}{a} \right] \times 100$ );
- c. # of children with IEPs in assessed grades who are proficient or above as measured by the regular assessment with accommodations (percent =  $\left[ \frac{c}{a} \right] \times 100$ );
- d. # of children with IEPs in assessed grades who are proficient or above as measured by the alternate assessment against grade level achievement standards (percent =  $\left[ \frac{d}{a} \right] \times 100$ ); and
- e. # of children with IEPs in assessed grades who are proficient or above as measured against alternate achievement standards (percent =  $\left[ \frac{e}{a} \right] \times 100$ ).

Account for any children included in a but not included in b, c, d, or e above.

Overall Percent =  $\left[ \frac{b + c + d + e}{a} \right]$ .

**Actual Target Data**

**3A Note:** KDE's Office of Assessment and Accountability (OAA) has advised DECS that Kentucky's FFY 2006 District/ School *No Child Left Behind* (NCLB) data cannot be compared with FFY 2005 NCLB data. The data are not comparable due to sweeping changes beginning in FFY 2005 and continuing through FFY 2007 in Kentucky's statewide assessment system.

DECS has included FFY 2006 Section 618 assessment data (Table 6) as **Appendix A**. The data were submitted to OSEP on January 23, 2008. DECS has not used the data from Table 6 to calculate the FFY 2006 Actual Target Data for either 3A or 3C since this would lead to inaccurate conclusions regarding progress on targets for Indicators 3A and 3C.

Kentucky will establish a new baseline and targets for Indicator 3A and 3C when all revisions to the assessment system have been completed. See the following page, "*Discussion of Target Data*," for additional details regarding changes to Kentucky's statewide assessment system.

**3A.**

FFY	Measurable and Rigorous Target
<b>2006</b> <b>(2006-2007)</b>	<p><b>Overall:</b> Seventy-nine or (45%) of Kentucky school districts will meet state AYP objectives for progress for disabilities subgroups (children with IEPs).</p> <p><b>Reading:</b> One hundred thirty-two or (75%) of Kentucky school districts will meet state AYP objectives for progress for disabilities subgroups (children with IEPs) in reading.</p> <p><b>Math:</b> One hundred twenty-five or (71%) of Kentucky school districts will meet state AYP objectives for progress for disabilities subgroups (children with IEPs) in math.</p>

**3B.**

FFY	Measurable and Rigorous Target
<b>2006</b> <b>(2006-2007)</b>	<ul style="list-style-type: none"> <li>One Hundred percent (100%) of students with disabilities will participate in the state's large-scale assessment.</li> </ul>

**Actual Target Data:** 97.572% (Reading and Math combined).

Kentucky is in substantial compliance with Indicator 3B

Raw data used to in the measurement can be found in Appendix A, Table 6 of KDE's Section 618 data.

**Table 1**

**Percent of Students Not Participating in Statewide Assessment**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
Content Area	Number of Children with IEPs Assessed	Number in Regular Assessment <b>with no</b> Accommodations	Number in Regular Assessment <b>with</b> Accommodations	Number in Alternate Assessment against Grade Level Standards	Number in Alternate Assessment against Alternate Standards	Number Assessed but Excluded	Participation Rate
	<b>Table 6 – Column 1</b>	<b>Table 6 – Column 3 – Column 3A</b>	<b>Table 6 – Column 3A</b>	<b>Table 6 – Column 4A</b>	<b>Table 6 – Column 4B</b>	A – (B+C+D+E)	Rate = (B+C+D+E) / A
Reading	49,847	12,530	32,388	0	3,651	1,278	<b>97.847 %</b>
Math	51,022	12,880	33,238	0	3,735	1,169	<b>97.708 %</b>
<b>Total</b>	<b>55,591</b>	<b>13,840</b>	<b>36,101</b>	<b>0</b>	<b>4,229</b>	<b>1,521</b>	<b>*97.572 %</b>
* The total Participation Rate is less than both the individual Content Area Participation Rates because the percent for Grade in Math and Grade 11 in Reading were lower than the percents of Grades 3 through 8 that were duplicated for both content areas.							

**3C Note:** As stated above in 3A, due to the changes in Kentucky's assessment system, OAA has advised DECS that FFY 2006 CATS data reflected in Indicator 3C cannot be compared with previous CATS data.

Kentucky will establish a new baseline and performance targets when all revisions to the assessment system have been completed. See Discussion of Target Data below, for details.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2006 (2006-2007)</b>	Fifty-five percent (55%) of children with IEPs in grades assessed who are proficient or above as measured against the regular and alternate achievement standards.



**Discussion of Actual Target Data:**

In 1998, Kentucky legislation was enacted, directing the Kentucky Board of Education to redesign the state's assessment and accountability system. In 2000, the Commonwealth Accountability Testing System (CATS) became Kentucky's statewide assessment system for all children.

The over-riding goal of CATS was for all children in Kentucky schools to reach proficiency by 2014. CATS provided the mechanism for measuring the goal of proficiency by providing yearly feedback to schools on how they were progressing toward the goal. CATS also established the levels of performance of novice, apprentice, proficient, and distinguished for student learners in 2000.

Since the enactment of CATS, Congress passed the federal law known as No Child Left Behind (NCLB) in 2001. The CATS' goal of all children reaching proficiency was adopted and enlarged upon by NCLB.

Kentucky is now halfway through the 14-year CATS school improvement cycle. In FFY 2005 and 2006 for the first time since its implementation, CATS has undergone major revisions, due in part to the need to align itself with NCLB. The changes include:

- Revisions to the Kentucky *Program of Studies* in June 2006. (The *Program of Studies* outlines the minimum content standards for all students, the required credits for high school graduation, and the content standards for primary, intermediate, and middle level programs that lead to the high school graduation requirements.)
- Updates to and redesign of the Kentucky *Core Content for Assessment* (CCA).
- New cut scores for novice, apprentice, proficient, and distinguished.
- Updates to and redesign of the Kentucky Core Content Tests (KCCT) to comply with NCLB.
- Alignment of new tests to Kentucky standards, including validating and setting standards for each of the grade levels being tested.
- Revision of subject-area weights for each of the grades and subject areas being tested.
- Complete revision of Kentucky's alternate assessment for students with significant disabilities.

These revisions will allow KDE to collect more reliable data from a much larger grade range, which will improve the monitoring, data analysis, and reporting processes. Unlike past years, KDE will now be able to track all students in reading and math from grades 3-8. (In previous years, the Comprehensive Test of Basic Skills (CTBS) was given to all third graders. CATS testing began in the fourth grade, with reading tested in grades 4, 7, and 10; and math in grades 5, 8, and 11.)

Changes to the assessment system have continued through FFY 2007. Additional revisions were necessitated by the 2006 Kentucky legislature. A 2006 law required that

Kentucky students take the Educational Planning and Assessment System (EPAS) tests from ACT. These tests were mandated for the 2007-08 school year. KDE is in the process of assuring that the new system, which includes the ACT components, is aligned with NCLB.

Due to concerns regarding the validity of comparing data from the “new” (FFY 2006) CATS assessment to the tests from prior years, DECS contacted OAA for its opinion. (OAA is the KDE entity with responsibility for Kentucky’s assessment system.) OAA advised DECS that comparing the FFY 2006 test results to results from previous years is not appropriate because of the scope of the revisions made to Kentucky’s accountability system.

KDE submitted its FFY 2006 Section 618 Assessment Data Table (Table 6) to OSEP on January 23, 2008. It is included in the FFY 2006 APR submission for Indicator 3 as Appendix A. However DECS has not made the comparisons required in APR Indicators 3A and 3C, since OAA has advised DECS it “is not appropriate” to do so.

As the changes to Kentucky’s assessment system continue into the present school year, KDE believes that it would be futile to set new targets for Indicator 3 in FFY 2006. Kentucky will continue to report its Section 618 data for Indicator 3 and will establish a new baseline and targets when the revisions to the system are complete. OAA projects all changes will be final by the 2009 school year (FFY 2009)

### **3A.**

As set out in the NCLB Kentucky Briefing Packet, OAA has advised DECS not to compare the FFY 2006 District/ School NCLB results with FFY 2005 NCLB results because of major changes in implementation of NCLB for districts and schools. For example, in FFY 2006 there was a major increase in the number of grades tested in reading and in math.

Analysis of the specific impact of these changes is in the process of being completed by OAA. The analysis will help KDE understand the degree of genuine school improvement from FFY 2005 to 2006. Kentucky may need to reset its baseline data if a significant impact exists and comparisons cannot be made between the FFY 2005 scores and the FFY 2006 scores.

### **3B.**

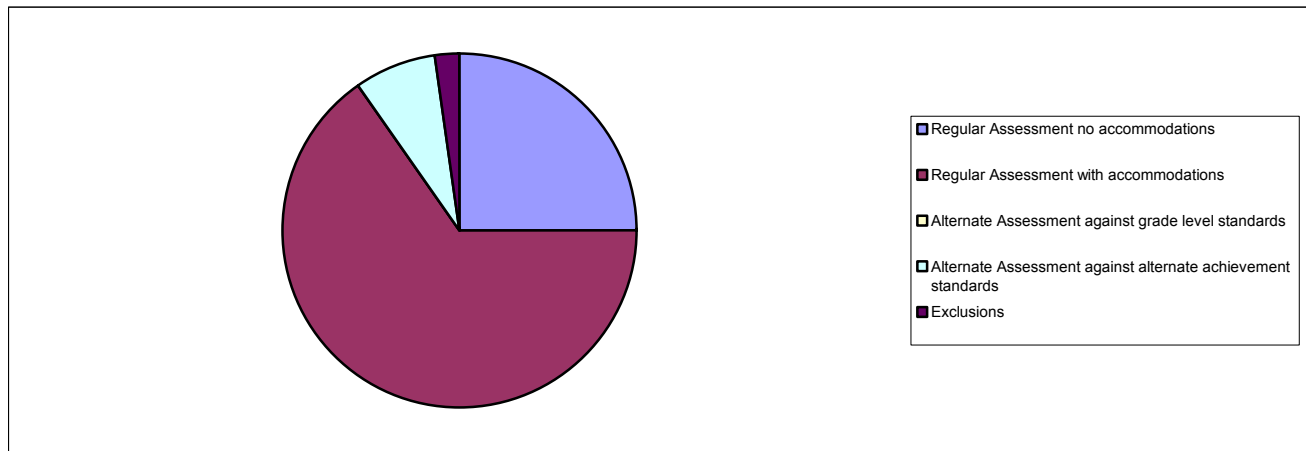
NCLB required changes to the Kentucky assessment system that were finalized in FFY 2007 and approved by the US Department of Education in November 2007. Kentucky now has a system that tests 100% of students in grades 3-8 in reading and math. The sole exceptions are for students who are approved for a medical exclusion, foreign exchange students, first year Limited English Proficient (LEP) students, expelled students, or those students who moved out of public school.

The percentage of exclusions is 2.427% of the total population that take the Kentucky Core Content Test (KCCT). The FFY 2006 participation rate of 97.572% is a 7% improvement from the 91% rate in FFY 2005.

Kentucky is in substantial compliance with this indicator.

**Graph 1**

Participation Rate in the KCCT for Children with IEPs



### 3C.

As explained above, OAA has advised DECS not to compare the FFY 2006 CATS results with results from previous years because of the sweeping changes in Kentucky's assessment system. Kentucky will establish a new baseline and performance targets when all revisions have been completed.

#### Discussion of Improvement Activities Completed and Explanation of Progress for (2006):

Activity	Discussion of Improvement Activities Completed
DECS will develop training module to provide technical assistance to DOSEs, district, and school staff on how to use the student data tool in order to make data-driven decisions (2006-2007).	<p>As noted in the FFY 2005 APR, Kentucky began this activity last year.</p> <p>In September 2007, DECS staff and the Special Education Co-ops attended professional development on the new assessment changes and the updated Student Data Tool. Changes in the assessment and the student data tool have been shared with the Directors of Special Education throughout the state.</p>

Activity	Discussion of Improvement Activities Completed
DECS will analyze the 2005 KCMP data for areas of needed growth in order to design and provide technical assistance to each of the Special Education Co-ops and districts (2006 and ongoing).	<p>As noted in the FFY 2005 APR, Kentucky began this activity in January 2006.</p> <p>In FFY 2006, DECS continued meeting with the Special Education Co-ops to analyze the KCMP district data and determine technical assistance needs of Kentucky districts.</p>
DECS in partnership with other divisions within the department will conduct on-site visits to schools that are closing the achievement gap. A description of exemplary practices shown to reduce the achievement gaps will be written and then shared with struggling districts. (2006-2007).	<p>As noted in the FFY 2005 APR, this activity has been completed.</p>

Activity	Discussion of Improvement Activities Completed																		
DECS in partnership with IHDI will analyze the 5 UDL Pilot Schools to identify effective UDL practices (2007-2008).	<p>The Center for Innovation and Instruction for Diverse Learners (CIIDL), formerly the Kentucky Accessible Materials Consortium (KAMC), is now housed at the University of Louisville.</p> <p>As shown in the chart below, there has been a significant increase in the number of schools accessing digital materials through CIIDL. Additionally, the amount of digital materials requested by schools has increased. KDE projects a 10% increase in number of schools requesting digital content from CIIDL and a 15% increase in the number of CD's requested.</p> <table><tr><th></th><th>2003/04</th><th>2004/05</th><th>2005/06</th><th>2006/07</th><th>2007/08</th></tr><tr><td>Number of Schools Requesting Digital Content</td><td>27</td><td>67</td><td>85</td><td>96</td><td>106 (10% increase)</td></tr><tr><td>Number of CDs Containing Digital Content Requested</td><td>248</td><td>553</td><td>755</td><td>960</td><td>1,204 (15% increase)</td></tr></table> <p>CIIDL will continue to manage, distribute and track all teacher requests from the National Instructional Materials Accessibility Center (NIMAC).</p> <p>In 2005 through August 2007, KDE, in partnership with the University of Louisville, funded five schools to implement Universal Design for Learning (UDL) concepts. The purpose of this initiative was to improve the performance of all students. The five model schools received three-year grants to develop a school- wide UDL program that integrates technology into instruction.</p> <p>Additional funds were awarded to four model schools in November 2007to expand their UDL initiatives and to directly assist eight new schools in developing UDL instructional resources, strategies, and practices.</p> <p>In the next phase, ten additional schools will receive support from CIIDL staff and model schools. CIIDL will also research and evaluate the implementation of UDL in the model schools and will share this information on its website.</p> <p>CIIDL will continue to support the work of the UDL model schools as their numbers grow.</p>		2003/04	2004/05	2005/06	2006/07	2007/08	Number of Schools Requesting Digital Content	27	67	85	96	106 (10% increase)	Number of CDs Containing Digital Content Requested	248	553	755	960	1,204 (15% increase)
	2003/04	2004/05	2005/06	2006/07	2007/08														
Number of Schools Requesting Digital Content	27	67	85	96	106 (10% increase)														
Number of CDs Containing Digital Content Requested	248	553	755	960	1,204 (15% increase)														

Activity	Discussion of Improvement Activities Completed
DECS will continue to fund a Literacy Consultant at each of the special education Cooperatives (2005 and on going).	As noted in the FFY 2005 APR, this activity has been completed.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2006):**

No revisions were made this year to any of the targets, improvement activities, timelines, or resources.

**Validity of Data:**

KDE believes that the data reported are valid. OAA validates all assessment data for KDE and is the single source of all NCLB and CATS assessment data in the state.

**Part B State Annual Performance Report (APR) for FFY 2006**

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: FAPE in the LRE**

**Indicator 4:** Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

**Measurement:**

- A. Percent =  $\left[ \frac{\text{\# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year}}{\text{\# of districts in the State}} \right] \times 100$ .

*KDE's definition of significant discrepancy for the purposes of Indicator 4A occurs when a district meets either of the two criteria below:*

1. Any district that suspends at least two or more students with disabilities for greater than 10 days and also suspends more students with disabilities than students without disabilities for greater than 10 days has a significant discrepancy; or
2. Any district that meets all 3 of the criteria below has a significant discrepancy:

- a. The district suspends students with disabilities for greater than 10 days during the school year at a risk ratio\* equal to or greater than 1.5;

*\*A risk ratio expresses the probability a student with a disability has of being suspended for greater than ten days compared to the probability of a student without a disability has of being suspended for greater than 10 days. For example, if the risk ratio for a district is 2, this means that for every student without a disability suspended, 2 students with a disability are suspended for greater than 10 days.*

- b. The district suspends at least 0.50% of its students with disabilities for greater than 10 days; and
- c. The district suspends more than one student with a disability for greater

FFY	4A. – Measurable and Rigorous Target
<b>2006</b>	<p>Kentucky will identify 14 districts with a significant discrepancy in the suspension of students with disabilities as compared to the suspension of students without a disability. This is a reduction of 4 districts from the Baseline Year.</p> <p>14 districts with significant discrepancies / 174 districts X 100 = <b>8.00%</b></p> <p>Note: KDE used 174 districts as the denominator in the calculation, rather than the current total of 176 districts. Kentucky School for the Blind and Kentucky School for the Deaf were omitted from the total number of districts, since neither school has general education students within its student body.</p>

#### 4A - Actual Target Data for 2006-2007 (FFY 2006): 4.02%

KDE has met its target for FFY 2006.

The Measurement requires taking the total number of districts with a significant discrepancy in the rates of long-term suspensions/ expulsions, dividing by the total number of Kentucky districts, and multiplying the quotient by 100 to obtain a percentage. The calculations used in the Measurement follow:

$$\frac{7 \text{ districts with significant discrepancy}}{174 \text{ total districts}} = .0402 \times 100 = 4.02\% \text{ districts for FFY 2006}$$

The 7 districts with significant discrepancy used in the numerator were identified by applying KDE's risk ratio for significant discrepancy to district-level Section 618 data, Table 5.

KDE's actual target data of 4.02% for FFY 2006 exceeded its projected target of 8.00% (14 of 174 districts with significant discrepancy) set in the State Performance Plan (SPP). The number of districts identified with a significant discrepancy decreased to seven (7) districts in FFY 2006, down from the 21 districts with a significant discrepancy in FFY 2005. See Table 1 below.



Table 1

## Indicator 4A – Projected and Actual Target Data

Year	SPP Projected Targets: Number of districts statewide set as the target for each year of the SPP	Actual number of districts with >10 day suspension discrepancy	SPP Target percentage of districts statewide	Actual percentage of districts with >10 day suspension discrepancy
<b>Baseline data FFY 2004</b>	N/A	18/ 176 districts	N/A	10.23%
<b>FFY 2005</b>	16 districts	21 districts	9.09%	11.93%
<b>FFY 2006</b>	14 districts	7 districts	8%	4.02 %

Although not required by Indicator 4A, KDE reviewed its Section 618 data from Table 5. It also shows a decrease in the number of students with disabilities suspended for over 10 days or expelled, from 365 students in FFY 2005 to 318 students in FFY 2006.

KDE believes the decrease in the number of students with disabilities being suspended/ expelled is a valid measure of Kentucky's progress in this area. DECS is not as confident about the validity of the data showing a decrease in the number of districts with significant discrepancies. The uncertainty comes from Kentucky's general education data system that generates the current discrepancy comparison for Indicator 4A. Last year, the FFY 2005 general education discipline data reported a dramatic drop in the number of general education students being suspended for greater than ten days or expelled. This year's FFY 2006 data shows an equally dramatic increase in suspension/expulsion for general education students.

As noted in last year's APR, Kentucky's current student information system (SIS) continues to have difficulty capturing this discipline data with confidence. In order to resolve the issue, KDE contracted with a new SIS vendor in FFY 2006 and is in the process of piloting and designing a new student information system that it believes will address questions about the data. See *Discussion of Improvement Activities Completed* in the chart below. 17 districts are now piloting the new student information system. Full statewide implementation will occur in January 2009 under the current schedule.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006:****Explanation of Progress:**

Kentucky's schools have made progress in reducing the numbers of students with disabilities suspended for more than 10 days. KDE's Section 618 data for FFY 2006 indicate that the number of Kentucky students with disabilities who have been suspended for over 10 days or expelled decreased from 365 to 318 students. KDE has confidence that the Section 618 data are accurate. See Indicator 20 regarding the validity of KDE's Section 618 data

KDE believes that progress made in the following activities contributed to gains made in reducing the number of Kentucky students with disabilities that are suspended for over 10 days or expelled:

- Professional development through focus on root cause analysis by Special Education Co-operative (Co-op) behavior specialists, to reduce the number of suspensions/ expulsions at the regional and district level.
- Statewide networking of behavior specialists and Co-op behavior consultants regarding alternatives to suspension.
- Capacity building of district staff through partnerships with Kentucky Council for Children with Behavior Disorders (KY-CCBD). This includes professional development, intentional mentoring, and sharing of resources with teachers and other school support staff regarding positive discipline practices.
- Professional development for administrators regarding alternatives to suspension.
- Professional development around positive instructional discipline models for Kentucky's Highly Skilled Educators (HSEs), who are assigned to coach low performing schools.
- The Kentucky Behavior Institute, which provides:
  1. Ongoing dialogue, needs assessment, planning and professional development around behavior issues among education professionals in the state.
  2. Linkages and networking between general and special educators in the discipline area.
  3. A catalyst and platform for schools/ general educators to model, share and spread implementation practices and details regarding effective school-wide discipline and positive behavior supports.
  4. Leadership, through current research-based content and effective positive behavior support practices for students with and without disabilities.
  5. The statewide standard for ongoing professional development themes and activities used throughout the year.
- The Kentucky Center for Instructional Discipline (KCID), which trains whole schools, including general education teams and faculty, in school-wide positive behavior supports.

- The Kentucky Initiative for Social and Emotional Development (KISSED) and its partnership with early childhood mental health initiative is yielding
- improved outcomes and reductions in suspensions for young children with challenging behavior in school and preschool settings.

The June 15, 2007 OSEP Response Letter required KDE to review policies and procedures for districts identified in FFY 2005 and 2006 as having significant discrepancies under 4A. Based on OSEP's June 15, 2007 Response Letter, KDE has revised its improvement activities to require the revision of district policies and procedures based on federal and state law. A number of barriers prevented this activity from beginning immediately after the June 15 Response letter.

Although KDE began the process of revising its special education regulations in February 2005, a series of delays caused KDE's regulations to be finalized within the past two months (December 2007). KDE's difficulty in timely revision of Kentucky's IDEA regulations included unexpected delays in the implementation of new federal regulations, multiple revisions of the proposed KDE regulations by the Kentucky Board of Education (KBE) because of public input, and postponement of final legislative approval for the regulations for five months, due to the last-minute intervention of an advocacy group.

DECS has not reviewed the "old" district policies and procedures that were in effect during FFY 2005 and 2006 since they were developed prior to the 2004 IDEA. Kentucky districts postponed their revision of special education policies and procedures as the result of delays in Kentucky's IDEA regulations. DECS will require revisions pursuant to OSEP's direction after districts revise their policies and procedures in compliance with current federal and state law.

The Special Education Cooperatives and other state partner organizations are assisting DECS and districts by drafting model policies and procedures that comply with current IDEA state and federal law. DECS will review the proposed model policies and procedures prior to adoption by districts. It will look specifically at the model policies and procedures regarding the development and implementation of IEPs, the use of positive behavioral interventions and supports, and the development of procedural safeguards to ensure compliance with the discipline requirements of the 2004 IDEA. After approval by DECS, any districts adopting the model procedures will not be required to undergo state review of its policies and procedures in the areas affecting 4A. New improvement activities have been added to address this issue.

Districts with significant discrepancies under 4A that do not adopt the approved model policies and procedures will be required to review and, if appropriate, revise their policies, procedures and practices in:

- The development and implementation of IEPs,
- The use of positive behavioral interventions and supports, and
- The development of procedural safeguards

**Discussion of Improvement Activities Completed for Target 4A**

<b>Activity</b>	<b>Discussion of Improvement Activities Completed</b>
KDE will introduce a new student information system to districts throughout the state that will collect student level information on students with and without disabilities specific to disciplinary incidents and the disposition of consequences (2007-2010).	<p>KDE contracted with a new vendor. It has designed and is currently piloting a new student information system in a limited number of districts.</p> <p>The new system will collect academic and discipline data for all students statewide in general and special education, beginning in January 2008. Training on the new data system was completed in Fall 2007 for all school districts.</p>
Kentucky Center for Instructional Discipline (KCID) will expand the number of schools by 50 each year that are trained in Instructional Discipline. These schools will collect, analyze, and report disciplinary data and reduce the number of incidents of suspension and expulsion (2006-2010).	KCID expanded the number of schools trained in 2006-2007 by an additional 60 schools. The schools are collecting and analyzing disciplinary data and attempting to reduce incidents of suspension and expulsion via implementation of a school-wide positive behavior support (PBS) / 'instructional discipline' model

Activity	Discussion of Improvement Activities Completed
<p>DECS will continue to co-sponsor the Behavior Institute and the Parent Professional Conferences. The Behavior Institute will include sessions that provide support and strategies to enhance student success and effectively remove behavior as a barrier to learning. Training sessions will be provided to specifically address the alternatives to and the reduction of suspension and expulsion, conducting a manifestation determination/interim alternative placement, functional behavior assessment, behavioral intervention services and modifications.</p>	<p>The Behavior Institute in 2007 included two full strands of sessions regarding school-wide discipline and positive behavior supports. Many new KCID schools entered the PBIS training sequence (See above Activity) after being exposed to this approach at the Behavior Institute.</p> <p>The Behavior Institute provides teachers and administrators with a depth of exposure to prevention and behavior support models. Many schools have implemented these approaches to discipline school-wide, due to Institute training. Moreover, the Institute supports schools in the refinement of sustainable practices over time.</p> <p>Themes of the Institute reflected needs assessment input from special education Co-ops and teachers. Topics in 2007 included:</p> <ul style="list-style-type: none"> <li>• Effective academic and behavior instruction</li> <li>• High school restructuring</li> <li>• RTI for academics and behavior</li> <li>• Research on coaching and sustainability of effective evidence-based practices</li> </ul> <p>Other topics were anger management, social skill instruction, alternatives to suspension for administrators, transition, autism, mental health, EBD programming, FBA-BIP, and behavior intervention strategies.</p> <p>Approximately 1200 Kentucky general and special education teachers and administrators attended the three day conference in June 2007.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006**

FFY	Revised Measurable and Rigorous Target (State Performance Plan
<b>2006</b> (2006-2007)	<p>Kentucky will identify 14 districts with a significant discrepancy in the suspension of students with disabilities as compared to the suspension of students without a disability. This is a reduction of 4 districts from the Baseline Year.</p> <p>14 districts with significant discrepancies / <b>174 districts</b> X 100 = 8.00%</p>
<p><b>Justification:</b> The original SPP Target for FFY 2006 was based upon a denominator of 175 districts. It assumed the merger of two existing school districts.</p> <p>Instead the number of Kentucky school districts remained at 176 for FFY 2006. However, two districts were subtracted from the 176 total - the Kentucky School for the Blind and the Kentucky School for the Deaf. Since all students at both schools are students with disabilities, there was no basis for making a comparison required by Indicator 4A.</p> <p>The change from 175 districts to 174 did not affect the FFY 2006 Target for the Indicator, which remained at 8.00. (8.02).</p>	

Activities	Timelines	Resources
<p><b>The following activity is deleted:</b></p> <p>“DECS/Special Education Coops will develop “Guidelines for Effective Practice for Discipline of Children with Disabilities” to be distributed to districts via Special Education Cooperatives, State Conferences, DOSE list-serve, Kentucky Center for Instructional Discipline.”</p> <p>It is replaced with 2 new activities listed below:</p> <p>KDE will develop a statewide process for reviewing and approving district special education policies and procedures, which will include a specific component focused on discipline-related policies and procedures.</p> <p>KDE will review district discipline data submitted annually through the Kentucky Continuous Monitoring Process (KCMP). Data that show disproportionate rates of suspension will be used:</p> <p><b>A.</b> To provide targeted technical assistance to districts regarding discipline practices, and</p> <p><b>B.</b> As part of the criteria for selection of districts for on-site data verification visits.</p>	<p><b>2008-2010</b></p>	<p><b>KDE/ DECS and Co-op Staff</b></p>

**Justification:**

The OSEP Response letter dated June 15, 2007 requires KDE to review policies, procedures and practices related to discipline. The review process regarding discipline policies will be developed within the context of Kentucky's statewide general supervision plan (which includes a new plan to develop a larger review process for all district special education policies and procedures).

Since Kentucky's IDEA regulations were not finalized until December 2007, the process of districts reviewing and revising policies and procedures is in its beginning stages. The Co-ops are taking a lead role in developing model policies and procedures in coordination with DECS. See page \_\_\_\_ above for details.

While the previous activity of developing discipline guidelines is important, KDE believes that establishing compliant policies and procedures is the first step to ensuring better outcomes under Indicator 4A and compliance with IDEA.

KDE will be working with the Co-ops, Directors of Special Education, KCID, Kentucky Center for School Safety, and Kentucky School Boards Association to create a common set of expectations for improving district discipline policies, procedures and practices.



### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Monitoring Priority: FAPE in the LRE**

**Indicator 5:** Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

- A. Percent =  $\left[ \frac{\text{\# of children with IEPs removed from regular class less than 21\% of the day}}{\text{(total \# of students aged 6 through 21 with IEPs)}} \right] \text{ times } 100.$
- B. Percent =  $\left[ \frac{\text{\# of children with IEPs removed from regular class greater than 60\% of the day}}{\text{(total \# of students aged 6 through 21 with IEPs)}} \right] \text{ times } 100.$
- C. Percent =  $\left[ \frac{\text{\# of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements}}{\text{(total \# of students aged 6 through 21 with IEPs)}} \right] \text{ times } 100.$

**Indicator 5A**

FFY	5A Measurable and Rigorous Target
2006	<b>Increase</b> the number of students spending 80% or more of their instructional day in the general education program to <b>63 percent</b> .

**Actual Target Data for 5A for FFY 2006: 66.83%**

For FFY 2006, 66.83% of Kentucky students with IEPs were removed from general education classrooms less than 21% of the day (or included in general education for 80% or more of the day). KDE met its FFY 2006 target of 63% and exceeded it by almost 4%.

The Measurement requires that the following calculation be used:

$$\frac{59,039 \text{ students with disabilities in General Ed} > 80\%}{88,347 \text{ students with disabilities}} = .668 \times 100 = 66.8\%$$

KDE submitted Table 3 of its FFY 2006 Section 618 data to OSEP on February 1, 2007. Statewide Summary Data selected from Section 618 that is relevant to time spent in the general education program is reproduced below as Table 1. It shows Kentucky's progress in this area over the past two years.

**Table 1**  
**Section 618 Placement Data for FFY 2005 and 2006**

<b>Indicator 5A: Selected Section 618 Placement Data</b>			
<b>SCHOOL YEAR (FFY)</b>	<b>Total Exceptional Children Age 6-21 Child Count</b>	<b>Number of Exceptional Children in General Education Classrooms 80% or more</b>	<b>Percent of Exceptional Children in General Education Classrooms 80% or more</b>
SY 2005-2006 (FFY 2005)	87,481	56,271	64.3%
SY 2006-2007 (FFY 2006)	88,347	59,039	66.8%

OSEP has noted that the changes to categories in the Section 618 Placement Data had the potential in FFY 2006 to reduce the number of students in the "80% or more" category. In spite of the 2 new placement categories that were added to the unduplicated count of placement options ["parentally placed in private school" and "placement in a correctional facility"], the number of Kentucky students with disabilities receiving 80% or more of their instruction in the general education program has actually increased. See Table 1.

KDE believes that the addition of the new Section 618 categories has not had a significant impact on the number of Kentucky students with disabilities participating in general education settings. As shown in Table 3 below, only 951 Kentucky students were included in the new categories. Consequently, KDE did not re-set its baseline data for this indicator due to the small numbers of students affected by the change.

FFY	5B Measurable and Rigorous Target
2006	<b>Decrease</b> the number of students spending less than 40% of their instructional day in the general education program to <b>11.5 percent</b> .

**Actual Target Data for 5B for FFY 2006: 10.25%**

The 5B target for FFY 2006 for the percent of Kentucky students with IEPs spending less than 40% of the day in general education was 11.5%. As evidenced by the Actual Target Data, Kentucky reduced its percentage to 10.25%, which met the target and exceeded it by 1.25%

The Measurement requires that the following calculation be used:

$$\frac{9,056 \text{ Children in General Education} < 40\% \text{ of the day}}{88,347 \text{ students with disabilities}} = .1025 \times 100 = 10.25\%$$

The Section 618 data in Table 2 below shows progress Kentucky has made over the past two years in this area.

**Table 2**

Indicator 5B: 618 Placement Data			
SCHOOL YEAR (FFY)	Total Exceptional Children Age 6-21 Child Count	Number of Exceptional Children in General Education Classrooms Less than 40 %	Percent of Exceptional Children in General Education Classrooms Less than 40 %
SY 2005-2006 (FFY 2005)	87,481	9,983	11.7%
SY 2006-2007 (FFY 2006)	88,347	9,056	10.25%

Table 2 shows that there was a reduction in the number of students with disabilities educated in restrictive setting (less than 40% of the day in general education). Adding two new placement categories to the 618 Placement Data Table has had a negligible impact on the number of students under Indicator 5B.

## Indicator 5C

FFY	5C Measurable and Rigorous Target
2006	<b>Decrease</b> the number of students receiving their special education services in public and private residential day schools to <b>2.21%</b> .

**Actual 5C Target Data for 2006: 2.24%**

Kentucky's projected target for FFY 2006 was 2.21%, which means the percentage of students in this category of placement rose by .02% (.0002). KDE neither met its target nor experienced slippage under 5C but remained at the same level as in FFY 2005.

The calculations under the Measurement for 5C are as follow:

$$\frac{1,982 \text{ students with disabilities in facilities, home /hospital or private school}}{88,347 \text{ students with disabilities}} = .0224 \times 100 = 2.24\%$$

Table 3 contains Section 618 data for each category under this most restrictive setting for students with disabilities. Comparisons of actual numbers of students are shown in the Table.

**Table 3**

Indicator 5C: 618 Placement Data						
2005	87,481	.82% (719)	.58% (506)	.81% (709)		
		<b>Total</b>				
		<b>2.21% (1,934)</b>				
2006	88,347	.98% (866)	.39% (348)	.87% (768)	.43% (378)	.65% (573)
		<b>Total</b>			<b>Total</b>	
		<b>2.24% (1,982)</b>			<b>1.1% (951)</b>	

Indicator 5C: 618 Placement Data						
2005	87,481	.82% (719)	.58% (506)	.81% (709)		
		Total				
		2.21% (1,934)				
2006	88,347	.98% (866)	.39% (348)	.87% (768)	.43% (378)	.65% (573)
		Total			Total	
		2.24% (1,982)			1.1% (951)	

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006:**

**Explanation of General Progress for Indicator 5:**

As evidenced by its Section 618 Placement Data, KDE is making significant progress in the number of students with disabilities receiving services in general education settings as well as in the amount of time spent there.

KDE attributes progress in these areas to three reasons:

1. A more effective collaboration training model
2. Expanded services of the Center for Innovation and Instruction for Diverse Learners (CIIDL), formerly the Kentucky Accessible Materials Consortium (KAMC)
3. More focused, intense support for using Universal Design for Learning (UDL) to meet the needs of diverse learners.

**Explanation of Progress for Indicator 5A: Increase the number of students in the general education setting 80% or more of their instructional day.**

Kentucky has made significant progress for this Indicator and has already surpassed the target set for the final year of the SPP. (FFY 2010-2011). DECS believes that progress is due to numerous professional development offerings across the state through the eleven Special Education Cooperatives (Co-ops).

The combined data from all Co-ops indicate that in the past year, at least one hundred twenty-seven (127) additional schools have received intensive training regarding effective collaborative practices for general and special education teachers. In addition, eight hundred thirty-five (835) individual teachers have received training in effective collaborative practices.

Consultants in each Co-op have begun providing follow-up to their technical assistance through on-site visits, direct classroom observations/ walk-throughs, and individualized email communication and support. This practice is in keeping with Dean Fixen's research on knowledge transfer and Implementation of evidence based practices.

DECS believes that the delivery of continuous job-embedded professional development with periodic regional follow-up is contributing to an increase in effective sustainable collaboration practices throughout Kentucky.

5A Activity	Discussion of 5A Improvement Activities Completed
DECS will develop a collaboration toolkit including modules and a collaboration guidelines manual.	Collaboration Toolkit and Training Modules are completed and have been disseminated and used in regional training. Additional modules are being designed as the need arises. (See the discussion of collaboration guidelines manual under <i>Revisions to Activities</i> below.)
DECS will establish a collaboration cadre that will consist of teams of teachers in general and special education that will go through extensive professional development on all aspects of collaboration in order to become State Collaboration Trainers. The Cadre will meet regularly with the Division of Exceptional Children to receive professional development and network with their fellow trainers.	DECS and Coops have provided professional development to:  -127 schools in School-wide Collaboration Training Projects  - 835 teachers  Pairs of general and special education teachers who receive training will no longer become State Trainers as originally envisioned. (See justification for changes in this activity.)
DECS, in collaboration with the Office for Leadership and School Improvement, will jointly work to fully train and utilize Kentucky's Highly Skilled Educators (HSEs) and Special Education Mentors to support the collaborative teaching model in the schools where they manage school improvement (2007-2008).	This activity was completed and reported in the 2005 APR.  Effects of the activity are increasingly observed in schools where Highly Skilled Educators (HSEs) are placed in low-achieving schools pursuant to NCLB.

**Explanation of Progress for Indicator 5 B:** Increase the number of students who are placed in the general education setting for 40-80% of their instructional day.

Kentucky met its goal for 5B. DECS contributes its progress to the partnership between KDE and CIIDL (formerly the KAMC). CIIDL has increased the support it is providing to schools as set forth under Indicator 3 Activities. CIIDL is also promoting increased access to the general education curriculum for students with disabilities and improved learning outcomes for all students through the implementation of UDL concepts.

5B Activity	Discussion of 5B Improvement Activities Completed
<p>The Kentucky Accessibility Materials Consortium (KAMC) will assist all Kentucky schools in using digital curriculum to address the diverse learning needs of students with disabilities. As evidence, annual reports from the KAMC will show an increase in the number of schools requesting materials from the KAMD, the types and quantity of materials requested from the KAMD, and the number of times the Digital Curriculum Best Practices website is accessed.</p>	<p>As noted in Indicator 3, there has been a significant increase in the number of schools accessing digital materials through CIIDL. Additionally, the amount of digital materials requested by schools has increased.</p> <p>CIIDL continues to support expanded implementation of the UDL model school project.</p> <p>In addition to offering more training opportunities, CIIDL has added UDL resources for school staff, administrators and parents on its website. (<a href="http://louisville.edu/education/ciidl">http://louisville.edu/education/ciidl</a>)</p> <p>It has added parent involvement and research/evaluation components to its services as well.</p>
<p>DECS will increase the use of CATS online assessment use to at least 95% of Kentucky schools with eligible students.</p>	<p>Although participation in the 2007 CATS Online state assessment declined last spring, KDE does not view this as a continuing trend.</p> <p>KDE anticipates a significant increase in participation in the Spring 2008 CATS Online due to:</p> <ul style="list-style-type: none"> <li>- The smooth administration of CATS Online in 2007</li> <li>- he successful Fall 2007 online administration of the grade twelve On-Demand writing test, and,</li> <li>- The infusion of \$50 million in state funds for schools to upgrade technology.</li> </ul>

Explanation of Progress or Slippage for Indicator 5 C: Increase the numbers of students placed back into the public school setting from residential, home/hospital placements.

KDE experienced neither slippage nor progress in this area

As set forth in the 2005 FFY SPP, KDE has not yet initiated the activity for 5C. Since Kentucky has very low numbers of students in restrictive settings, the activity was not scheduled to begin until 2008.

KDE anticipates improvement in 5C as all activities are fully implemented for Indicator 5A, 5 B and Indicator 4 (long-term suspension/expulsion).

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006:**

<b>Revisions to Wording of 5A – 5C Targets:</b>	<b>Timelines</b>	<b>Resources</b>
<p style="text-align: center;"><b>5A</b></p> <p>Increase the <u>percentage</u> of students spending 80% or more of their instructional day in the general education program to 63 percent.</p>	None	None
<p style="text-align: center;"><b>5B</b></p> <p>Increase the <u>percentage</u> of students who are placed in the general education setting for 40-80% of their instructional day.</p>	None	None
<p style="text-align: center;"><b>5C</b></p> <p>Increase the <u>percentage</u> of students placed back into the public school setting from residential, home/hospital placements.</p>	None	None
<p><b>Justification for Wording Revisions:</b></p> <p>Since KDE identifies its targets in terms of the percentage rather than the number of students, it requests to revise the wording of these three targets by replacing the word <i>number</i> with the word <i>percentage</i>.</p>		



Revised 5A Activity	Revised Timelines	Revised Resources
DECS will develop a collaboration toolkit including modules, a Question and Answer document, and a collaboration guidelines manual.	2005-2010	DECS/ Sp Ed Co-Ops & KDE Interagency Team (with staff representing special education, gifted, ELL, Title I and federal programs).

**Justification:**

KDE determined that the Collaborative Guidelines Manual should address collaboration in broad terms and not be limited solely to special and general education teacher collaboration. Therefore, KDE will expand the scope of the Interagency Team and manual to cover the broader audience and issues.

As there is an immediate need from the field for answers to a number of special education collaboration questions, KDE will write a Question and Answer document for immediate statewide dissemination.

The timeline extension accommodates the revision in activities.

Revised 5A Activity	Revised Timelines	Revised Resources
<p>DECS and the Co-ops will build regional and statewide capacity for implementation of effective collaborative practices by:</p> <p>A. Providing regional professional development and follow-up over time to schools and teams of regular and special education teachers who will implement effective collaboration, consultation and co-teaching practices.</p> <p>B. Establishing and providing ongoing support and training to a State Collaboration Design Team and Trainer Network/Cadre of individuals (identified regionally by skill/interest) who will meet regularly with KDE/ national experts and work together to:</p> <ul style="list-style-type: none"> <li>(1) Design/implement a plan for building LRE capacity statewide,</li> <li>(2) Train coaches, and</li> <li>(3) Provide quality professional development and leadership to local districts regarding effective collaboration practices.</li> </ul>	2007-2010	<p>DECS</p> <p>Special Education Co-ops</p>
<p><b>Justification:</b></p> <p>In its attempts to implement the original activity (training teacher pairs to become local collaboration trainers), KDE discovered that many classroom teachers were not available, not interested or not skilled at providing professional development to colleagues.</p> <p>KDE proposes dividing the original activity into two parts. The first part will increase the number of schools and teachers who implement collaboration effectively. The second part will focus on creating a state collaboration trainer cadre who are skilled in both the delivery of training around collaboration and collaboration practice.</p>		

Revised 5A Activity	Revised Timelines	Revised Resources
DECS and Co-ops will identify model schools/teams of special and general educators throughout the state that are effectively using a collaborative teaching model to ensure students with disabilities are receiving access and making progress in the general education curriculum. These schools/teams will be used as collaboration model sites.	2008-2010	DECS  Special Education Co-ops
<b>Justification for Revision:</b>  Timelines were extended to allow DEC to continue to identify model schools over time.		

**Part B State Annual Performance Report (APR) for FFY 2006****Overview of the Annual Performance Report Development:** See Introduction**Monitoring Priority: FAPE in the LRE**

**Indicator 6:** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

**Measurement:** Percent =  $[(\# \text{ of preschool children with IEPs who received special education services in settings with typically developing peers}) \div (\text{total } \# \text{ of preschool children with IEPs})] \times 100$ .

**NOTE:** According to instructions issued by the Office of Special Education Programs (OSEP), States are not required to report on Indicator 6 for FFY 2006. The instructions for collecting preschool least restrictive environment data were revised for the 2006-2007 school year. The new data collection is significantly different from the previous collection and therefore, is inconsistent with SPP Indicator 6.

**Part B State Annual Performance Report (APR) for FFY 2006**  
**Overview of the Annual Performance Report Development:** See Introduction

<b>Monitoring Priority: FAPE in the LRE</b>
---

**Indicator 7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:****A. Positive social-emotional skills (including social relationships):**

- a. % of preschoolers not improving skills =  $[(\# \text{ of preschoolers not improving skills}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- b. % of preschoolers improving skills but not sufficient to move nearer to skills comparable to same-aged peers =  $[(\# \text{ of preschoolers improving skills but not sufficient to move nearer to skills comparable to same-aged peers}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- c. % of preschoolers improving to a level nearer to same-aged peers but not reaching it =  $[(\# \text{ of preschoolers improving skills to a level nearer to same-aged peers but not reaching it}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- d. % of preschoolers improving skills to reach a level comparable to same-aged peers =  $[(\# \text{ of preschoolers improving skills to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- e. % of preschool children maintaining skills at a level comparable to same-aged peers =  $[(\# \text{ of preschoolers maintaining skills at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ . If a + b + c + d + e does not sum to 100%, explain the difference.

**B. Acquisition and use of knowledge and skills (including early language/communication and literacy):**

- a. % of preschoolers not improving skills =  $[(\# \text{ of preschoolers not improving skills}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- b. % of preschoolers improving skills but not sufficient to move nearer to skills comparable to same-aged peers =  $[(\# \text{ of preschoolers improving skills but not sufficient to move nearer to skills comparable to same-aged peers}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- c. % of preschoolers improving to a level nearer to same-aged peers but not reaching it =  $[(\# \text{ of preschoolers improving skills to a level nearer to same-aged peers but not reaching it}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- d. % of preschoolers improving skills to reach a level comparable to same-aged peers =  $[(\# \text{ of preschoolers improving skills to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- e. % of preschool children maintaining skills at a level comparable to same-aged peers =  $[(\# \text{ of preschoolers maintaining skills at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ . If a + b + c + d + e does not sum to 100%, explain the difference.

**C. Use of appropriate behaviors to meet their needs:**

- a. % of preschoolers not improving skills =  $[(\# \text{ of preschoolers not improving skills}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- b. % of preschoolers improving skills but not sufficient to move nearer to skills comparable to same-aged peers =  $[(\# \text{ of preschoolers improving skills but not sufficient to move nearer to skills comparable to same-aged peers}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .

- c. % of preschoolers improving to a level nearer to same-aged peers but not reaching it =  $[(\# \text{ of preschoolers improving skills to a level nearer to same-aged peers but not reaching it}) \div (\# \text{ of preschoolers with IEPs assessed})] \times 100$ .
- d. % of preschoolers improving skills to reach a level comparable to same-aged peers =  $[(\# \text{ of preschoolers improving skills to reach a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ .
- e. % of preschool children maintaining skills at a level comparable to same-aged peers =  $[(\# \text{ of preschoolers maintaining skills at a level comparable to same-aged peers}) \div (\# \text{ of preschool children with IEPs assessed})] \times 100$ . If a + b + c + d + e does not sum to 100%, explain the difference

FFY	Measurable and Rigorous Target
2006	Target not yet required

## Part B State Annual Performance Report (APR) for FFY 2006

Overview of the Annual Performance Report Development: See Introduction

### Monitoring Priority: FAPE in the LRE

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities:

**Measurement:** Percent =  $\left[ \frac{\text{\# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities}}{\text{total \# of respondent parents of children with disabilities}} \right] \times 100$ .

FFY	Measurable and Rigorous Target
2006	Twenty-eight and a half percent (28.5%) of parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

### Actual Target Data for FFY 2006: 29%

29% of Kentucky parents who participated in the Indicator 8 Parent Survey report that they perceived their school as facilitating their involvement. KDE met its target of 28.5% for the FFY 2006 APR.

The Measurement used was:

371 parents surveyed who reported schools facilitated parent involvement divided by the total number of parents (1279) responding to the survey = .29 multiplied by 100= 29%

See Table 1 on the following page. It includes data related to the validity and reliability of the data and the outcome of this year's survey sample.



**Table 1**

Percent of Parents of a child receiving special education services who report that schools facilitated their involvement.					
Total Number of Surveys Distributed	Total Number (N) of Participants	N (Paper-Based Survey)	N (Web-Based Survey)	Total Percent of Parents	Statewide Response Rate
9,891	1,279	1,109	170	29%	12.9%

Surveys were distributed to a sample of parents of a child with a disability (ages 3-21). An annual district distribution list that ensures the inclusion of all districts across the six-year sampling plan is set out in Table 7. Included in the sample were the two districts with an average daily membership of 50,000 or more students. Paper-based surveys were sent by mail to 9,801 parents of children receiving special education services.

The survey developed by NCSEAM has a feature that allows States to change survey questions from year- to- year within a multi-year sample such as the SPP. A scale (the SEPPS scale) was developed by NCSEAM that allows states to choose any question from the survey question “bank” for a particular question number. The bank of survey questions to select from (by question number) is in line with the SEPPS scale and keeps the data results from the survey balanced (valid and reliable).

This feature allows States to obtain data based on parent involvement activities as the activities occur or change. NCSEAM recommends that the survey questions change, as States gather data to evaluate activities on parent involvement.

The FFY 2006 parent survey used by Kentucky differs from the FFY 2005 survey in one respect. A new Question #2 was selected from the NCSEAM-created bank for Question 2 and was included in this year’s survey. KDE’s contractor for the survey worked directly Dr. Batya Elbaum, the NCSEAM consultant and forwarded the banked questions to KDE for its use in changing the survey question.

Survey Question 2 now asks parents about secondary transition issues. KDE felt the new Question 2 was a better match for Kentucky, since the new question is a required activity for districts. The former Question 2 asked about special assistance that parents received from the school to attend meetings. There was no requirement under state or federal law for districts to do the activity, nor was it an activity upon which KDE is focusing.

The FFY 2006 Parent Survey is found in Table 8.

There were 1,279 paper-based and online surveys submitted by parents participating in the sample. The statewide response rate was 12.9% for FFY 2006. This number

exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines.

While the sampling is not designed to yield a representative sample of parents *within* specific distribution categories, DECS initiated an internal data analysis to establish comparability of the sampling plan to KY's student population. Tables 2, 3, and 4 present data that indicate the sample is closely representative of Kentucky's parent population (with a child receiving special education services).

See Table 2 for data collected on the distribution on race/ethnicity in the sample.

Distribution of Race/Ethnicity in the Sample			
Race/Ethnicity	N	Percentage* Of Sample	Kentucky** Population Percentage
White	1,084	82%	86.6%
Black or African - American	130	12%	10.5%
Hispanic or Latino	12	2%	1.8%
Asian or Pacific Islander	16	1%	0.9%***
American Indian or Alaskan Native	1	<1%	0.2%
Missing	27	2%	-

\*Percentages have been rounded and may not total exactly 100%.

\*\*SOURCE: U.S. Department of Education Statistics, Common Core of Data (CCD), "State Non-fiscal Survey of Public Elementary/Secondary Education," 2003-2004.

\*\*\*Common Core Data, School Year 2005-2006 (non-adjunct)

See Table 3 for distribution of grade levels in the sample and Table 4 for distribution of students' primary disabilities.

Table 3

Distribution of Grade Level in the Sample		
Grade Category	N	Percentage*
Pre-Kindergarten	116	9%
Kindergarten – Grade 5	604	48%
Grades 6 – 8	246	19%
Grades 9 – 12	257	20%
Missing	47	4%
Total	1,270	100%

Distribution of Primary Disability in the Sample			
Primary Exceptionality	N	Sample Percentage	KY's Percentage
Autism	99	8%	2%
Deafness	8	<1%	<1%
Developmental Delay	150	12%	17%
Emotional Behavioral Disorder (EBD)	85	7%	5%
Functional Mental Disability (FMD)	22	2%	3%

Distribution of Primary Disability in the Sample			
Hearing Impairment	27	2%	.6%
Mild Mental Disability (MMD)	98	8%	13%
Multiple Disabilities	53	4%	.4%
Orthopedic Impairment	31	2%	.05%
Other Health Impairment	106	8%	13%
Specific Learning Disability	157	12%	13%
Speech or Language Impairment	236	19%	28%
Traumatic Brain Injury	6	<1%	.2%
Visual Impairment Including Blind	17	1%	<1%
More than one disability listed	117	9%	-
Missing	58	5%	-
Total	1,270	100%	-

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress:** FFY 2006 is the first year for reporting progress or slippage on the target for Indicator 8. The baseline data collected for FFY 2005 showed a rate of 28% of parents reporting that schools facilitated parent involvement. KDE reached 29% this year, which met (and exceeded) its projected target of 28.5% set by the FFY 2005 SPP.

There are a number of reasons for the progress. KDE has been diligent with its efforts to communicate the SPP content, monitoring and reporting to Parent Resource Centers and other partnering agencies. KDE strives to maintain progress utilizing current data and continues to support districts in using same or similar data driven processes.

Progress can also be contributed through the use of the KCMP district self-assessment. All districts receive on-going technical assistance through professional development by the KDE and the Special Education Co-ops, including root cause analyses and the development of improvement and maintenance plans. As part of the root analyses of data received from this survey, DECS also utilized information from Table 5 below. Table 5 represents three items with the lowest percentages of agreement among parents responding to the Parent Survey.

**Table 5**

<b>Percentage of Lowest Agreement Responses From the Indicator 8 Parent Survey</b>			
<b>Item #</b>	<b>%*SA/ VSA</b>	<b>%*A/SA/ VSA</b>	<b>Item</b>
2	21%	42%	I was given information on agencies that can assist my child in the transition from school.
7	20%	44%	I was given information about organizations that offer support for parents of students with disabilities.
21	22%	51%	The school offers parents training about special education issues.

As seen in Item 7 from the table above, 44% of parents agreed (20% expressing strong or very strong agreement) with statements to the effect that they were given information about organizations that offer support for parents of students with disabilities. This is a 4% increase

(2% increase in parents expressing strong or very strong agreement) from the baseline results received by the KDE.

KDE has begun providing information to districts regarding the Item 7 response, which may have resulted in this improved outcome for the Item. Parents' agreement with Item 21 (the school offers parents training about special education issues) has also increased by 6% - from 45% in FFY 2005 to 51% in FFY 2006.

These data will become part of the on-going discussions among KDE, the Special Education Co-ops, Parent Resource Centers, and other stakeholders. The goal is to increase parent involvement, thus bettering educational outcomes for students with disabilities.

### **Kentucky's Continuous Monitoring Process (KCMP)**

KCMP is Kentucky's self-assessment monitoring process by which districts report data to KDE and develop plans to improve or maintain their progress. Table 6 contains KCMP data that indicate the number of programs monitored, the number of findings of noncompliance, and the number of findings for which correction was verified no later than one year from identification. DECS has found through its monitoring process that districts in non-compliance have identified the areas that need improvement through the KCMP.

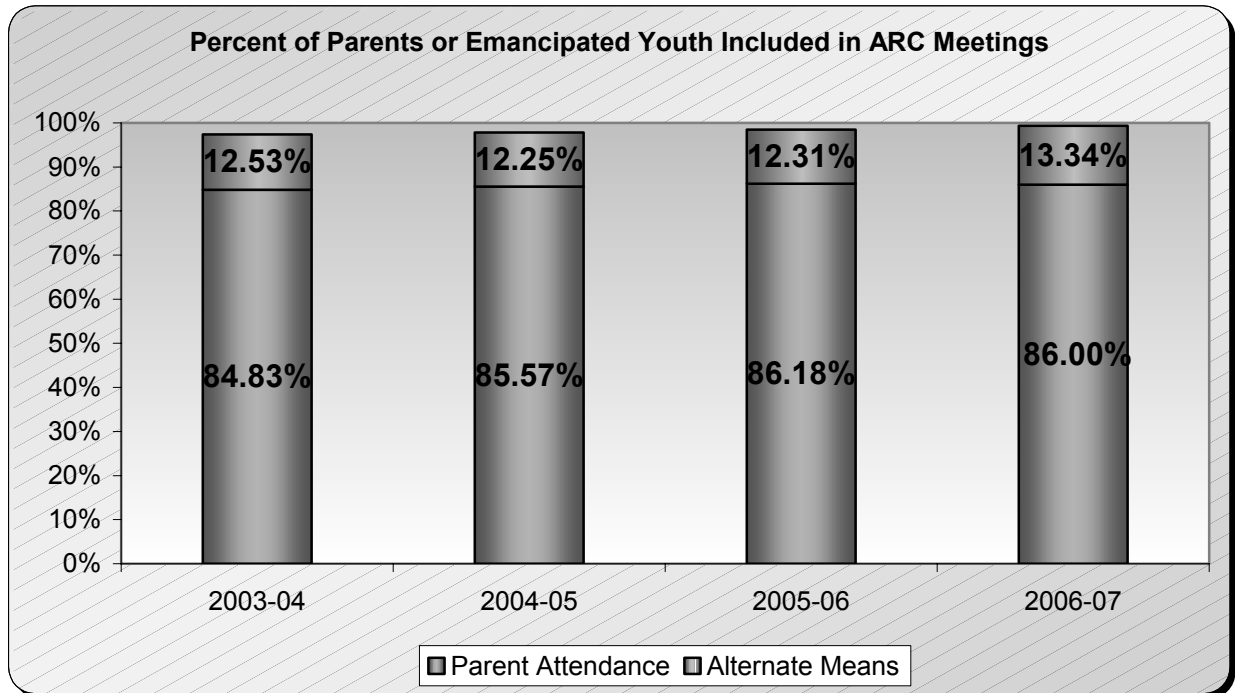
Districts are also required to describe the current improvement plan for each specific indicator found in non-compliance. Each improvement plan is evaluated by DECS. DECS also provides technical assistance to help districts improve their plans and to better their outcomes. DECS will continue to track districts' efforts to correct and maintain compliance through sustainability of programs, personnel development, and district system structure and supports. DECS has included an activity to "define trends, make predictions and uncover root causes, to inform the design and implementation of technical assistance activities" as part of comprehensive professional development for the districts.

**Table 6**

<b>KCMP Results for FFY 2006</b>			
<b>General Supervision System Components</b>	<b># of Programs Monitored</b>	<b>(a) # of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)</b>	<b>(b) # of Findings from (a) for which correction was verified no later than one year from identification</b>
Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	42	31
Dispute Resolution	1	1	1
Other: Specify	0	0	0

See Graph 1 that represents district progress in the area of parent involvement from KCMP self-assessments (FFY 2003 through 2006).

**Graph 1**



Note: The percent of parents participating in ARC meetings is displayed in columns. The blue lower section reflects parents who were present at the meeting. The pink middle section represents parents who participated by alternate means. The yellow top section represents parents who did not participate in the ARC meeting. Growth can be indicated in two ways - a decrease in the yellow upper section of the column or an increase in height of the blue lower section.

Overall, districts report that 99.34% of parents participated in ARC meetings, either in person or via alternative means during the 2006-07 school year (FFY 2006). This is an increase from 98.49% of parents who participated during the 2005-06 school year (FFY 2005). The data provide additional evidence of Kentucky's efforts and the results of those efforts to increase parent involvement.

## Discussion of Improvement Activities completed

Activities	Discussion of Improvement Activities Completed
<p>Synthesize current research on facilitating parent involvement and disseminate statewide via web postings and electronic communications to parent groups, directors of special education and other constituency groups.</p>	<p><b><u>Status Report:</u></b> <i>KDE's Parent Info</i> bi-monthly electronic Newsletter is free and distributed statewide via web posting. The public is invited to receive this Newsletter by email directly, through an electronically submitted request form located on KDE's Parent Information Web page.</p> <p>Topics include, *Kentucky Private College Week *Higher ACT Scores Needed for College *Summer Learning – Part II *Special Education Services Parent Survey *"Keep Kids Drug-Free" Tags, and more.</p> <p>DECS is currently seeking to identify ways to increase parent access to the Newsletter.</p>
<p>Develop and pilot a web-based survey in districts that have a Parent Resource Center to inform how to increase parent responses, data reliability and validity.</p>	<p>KDE's web-based survey captured 97 parent responses.</p> <p>The survey was developed through consultation and collaboration within KDE and a contracted agency to ensure the same information was collected in the same format by using the same data definitions. KDE's confidential data was then merged with the paper-based responses database to create the compilation of data gathered from both collection methods.</p> <p>The contracted agency used both sets of data to create the data analysis report. Given the response rate result of 11.8%, Kentucky intends to continue in these efforts to ensure data is valid and reliable.</p>



**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2005:**

Revised Activity	Revised Timelines	Revised Resources
<b>Omit:</b> Pinpoint districts that have low survey response rates and high numbers of unfavorable survey results and provide targeted technical assistance for improving parent involvement.	2007-2010	KDE, DECS PRC Kentucky Partnership for Families and Children (KPFC) KYSPIN UPinKY Special Education Co-ops Family Resource and Youth Service Centers
<p><b>Justification:</b> Although KDE believes its overall survey results for Indicator 8 are valid and reliable, the reliability of individual district survey data is suspect, due to the small 'n' sizes from many districts surveyed.</p> <p>KDE will continue to evaluate and monitor parent involvement as part of its Desk Audits, Management Audits, Scholastic Audits, KCMP, data verification visits, and other oversight activities. The goal of KDE is to ensure districts are in compliance with IDEA, to provide technical assistance or both.</p>		
Activity	Revised Timelines	Resources
Partner with stakeholders to determine correlations across Indicators 9, 10 and 14, to define trends, make predictions and uncover root causes, to inform the design and implementation of technical assistance activities.	2008-2010	KDE, DECS Special Education Cooperatives PRC KY-SPIN
<p><b>Justification:</b> The timeline of "2008 and ongoing" was changed to "2008-2010" to reflect the timelines of the SPP.</p>		

Table 7

### Representative Sample as Determined by NPSO Sampling Calculator 2006 –2012

(From Indicator 14)

District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Adair County					X	
Allen County					X	
Anchorage Independent			X			
Anderson County						X
Ashland Independent		X				
August Independent				X		
Ballard County					X	
Barbourville Independent	X					
Bardstown Independent	X					
Barren County				X		
Bath County						X
Beechwood Independent			X			
Bell County						X
Bellevue Independent		X				
Berea Independent						X
Boone County	X					
Bourbon County		X				
Bowling Green Independent					X	
Boyd County				X		
Boyle County			X			
Bracken County				X		
Breathitt County				X		
Breckinridge County			X			
Bullitt County			X			
Burgin Independent						X

District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Butler County	X					
Caldwell County		X				
Calloway County					X	
Campbell County	X					
Campbellsville Independent		X				
Carlisle County	X					
Carroll County		X				
Carter County	X					
Casey County				X		
Caverna Independent				X		
Christian County				X		
Clay County			X			
Clinton County						X
Cloverport Independent			X			
Corbin Independent					X	
Covington Independent		X				
Crittenden County			X			
Cumberland County						X
Danville Independent	X					
Daviess County						X
Dawson Springs Independent				X		
Dayton Independent					X	
East Bernstadt Independent	X					
Edmonson County					X	
Elizabethtown Independent			X			
Elliott County		X				
Eminence Independent					X	
Erlanger Independent						X

District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Estill County						X
Fairview Independent						X
Fayette County	X	X	X	X	X	X
Fleming County		X				
Floyd County			X			
Frankfort Independent			X			
Franklin County				X		
Ft. Thomas Independent					X	
Fulton County						X
Fulton Independent		X				
Gallatin County				X		
Garrard County	X					
Glasgow Independent			X			
Grant County		X				
Graves County				X		
Grayson County					X	
Green County				X		
Greenup County	X					
Hancock County					X	
Hardin County					X	
Harlan County	X					
Harlan Independent					X	
Harrison County			X			
Harrodsburg Independent						X
Hart County		X				
Hazard Independent	X					
Henderson County		X				
Henry County			X			
Hickman County	X					

District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Hopkins county	X					
Jackson County		X				
Jackson Independent				X		
Jefferson County	X	X	X	X		X
Jenkins Independent			X			
Jessamine County						X
Johnson County						X
Kenton County			X			
Kentucky School for the Blind	X			X	X	
Kentucky School for the Deaf		X	X			X
Knott County						X
Knox County			X			
Larue County					X	
Laurel County					X	
Lawrence County	X					
Lee County				X		
Leslie County				X		
Letcher County					X	
Lewis County		X				
Lincoln County					X	
Livingston County		X				
Logan County		X				
Ludlow Independent			X			
Lyon County					X	
Madison County		X				
Magoffin County	X					
Marion County		X				
Marshall County						X
Martin County	X					


District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Mason County				X		
Mayfield Independent						X
McCracken County						X
McCreary County				X		
McLean County	X					
Meade County		X				
Menifee County	X					
Mercer County					X	
Metcalfe County						X
Middlesboro Independent						X
Monroe County			X			
Montgomery County			X			
Monticello Independent				X		
Morgan County				X		
Muhlenberg County	X					
Murray Independent					X	
Nelson County				X		
Lincoln County					X	
Livingston County		X				
Logan County		X				
Ludlow Independent			X			
Lyon County					X	
Madison County		X				
Magoffin County	X					
Marion County		X				
Marshall County						X
Martin County	X					
Mason County				X		
Mayfield Independent						X

District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
McCracken County						X
McCreary County				X		
McLean County	X					
Meade County		X				
Menifee County	X					
Mercer County					X	
Metcalfe County						X
Middlesboro Independent						X
Monroe County			X			
Montgomery County			X			
Monticello Independent				X		
Morgan County				X		
Muhlenberg County	X					
Murray Independent					X	
Nelson County				X		
Scott County		X				
Shelby County			X			
Silver Grove Independent		X				
Simpson County						X
Somerset Independent				X		
Southgate Independent	X					
Spencer County				X		
Taylor County	X					
Todd County			X			
Trigg County		X				
Trimble County		X				
Union County	X					
Walton-Verona Independent						X
Warren County			X			

District	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Washington County					X	
Wayne County						X
Webster County			X			
West Point Independent		X				
Whitley County						X
Williamsburg Independent	X					
Williamstown Independent					X	
Wolfe County					X	
Woodford County					X	




Table 8





## Kentucky Department of Education

### Parent Survey - Special Education

This is a survey for parents of students receiving special education services. Your responses will help guide efforts to improve services and results for children and families. For each statement below, please select one of the following response choices: very strongly disagree, strongly disagree, disagree, agree, strongly agree, very strongly agree. In responding to each statement, think about your experience and your child's experience with special education during the 2006-07 school year only. You may skip any item that you feel does not apply to you or your child.

Use pencil only 

Fill in circle completely:  
Incorrect:  

		Very Strongly Disagree	Strongly Disagree	Disagree	Agree	Very Strongly Agree
<b><u>Schools' Efforts to Partner with Parents</u></b>						
1. I am considered an equal partner with teachers and other professionals in planning my child's program.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. In preparation for my child's transition planning meeting I was given information about options my child will have after high school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. At the IEP meeting, we discussed how my child would participate in statewide assessments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. At the IEP meeting, we discussed accommodations and modifications that my child would need.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. All of my concerns and recommendations were documented on the IEP.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Written justification was given for the extent that my child would not receive services in the regular classroom.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. I was given information about organizations that offer support for parents of students with disabilities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. I have been asked for my opinion about how well special education services are meeting my child's needs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. My child's evaluation report is written in terms I understand.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Written information I receive is written in an understandable way.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Teachers are available to speak with me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Teachers treat me as a team member.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b><u>Teachers and administrators:</u></b>						
13. - seek out parent input	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. - show sensitivity to the needs of students with disabilities and their families.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. - encourage me to participate in the decision-making process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. - respect my cultural heritage.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17. - ensure that I have fully understood the Procedural Safeguards [the rules in federal law that protect the rights of parents].	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please turn page over ➡

		Very Strongly Disagree	Strongly Disagree	Disagree	Strongly Agree	Very Strongly Agree
<b><u>Schools' Efforts to Partner with Parents (cont.)</u></b>						
<i>The school:</i>						
18. - has a person on staff who is available to answer parents' questions.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
19. - communicates regularly with me regarding my child's progress on IEP goals.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20. - gives me choices with regard to services that address my child's needs.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21. - offers parents training about special education issues.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22. - offers parents a variety of ways to communicate with teachers.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23. - gives parents the help they may need to play an active role in their child's education.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24. - provides information on agencies that can assist my child in the transition from school.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
25. - explains what options parents have if they disagree with a decision of the school.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>26. Child's Grade</b> <input type="text"/> <input type="text"/>						
<b>27. Child's Age in Years</b> <input type="text"/> <input type="text"/>						
<b>28. Child's Age When First Referred to Early Intervention or Special Education</b> <input type="radio"/> Under 1 yr <u>OR</u> Age in Years <input type="text"/> <input type="text"/>						
<b>29. Child's Race / Ethnicity</b> <input type="radio"/> White <input type="radio"/> Black or African-American <input type="radio"/> Hispanic or Latino <input type="radio"/> Asian or Pacific Islander <input type="radio"/> American Indian or Alaskan Native		<b>30. Child's <u>Primary</u> Exceptionality / Disability</b> (Bubble one only.) <input type="radio"/> Autism <input type="radio"/> Deaf-Blindness <input type="radio"/> Deafness <input type="radio"/> Developmental Delay <input type="radio"/> Emotional Behavioral Disorder (EBD) <input type="radio"/> Functional Mental Disability (FMD) <input type="radio"/> Hearing Impairment <input type="radio"/> Mild Mental Disability (MMD) <input type="radio"/> Multiple Disabilities <input type="radio"/> Orthopedic Impairment <input type="radio"/> Other Health Impairment <input type="radio"/> Specific Learning Disability <input type="radio"/> Speech or Language Impairment <input type="radio"/> Traumatic Brain Injury <input type="radio"/> Visual Impairment including Blindness				
--Thank you for your participation.--						

## Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See introduction.

### Monitoring Priority: Disproportionality

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

#### Measurement:

Percent =  $\left[ \frac{\text{\# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification}}{\text{\# of districts in the State}} \right] \times 100$ .

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
2006	The percentage of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification will be zero percent (0%).

#### Actual Target Data for FFY 2006: No higher than 3.44%.

The Actual Target Data was calculated from the measurement. The calculations were:

Six (6) Kentucky districts with disproportionate representation of specific racial/ethnic groups receiving special education services, divided by 174 Kentucky districts, multiplied by 100, equals 3.44%.

(KDE used 174 districts as the denominator rather than 176 districts. Kentucky School for the Blind and Kentucky School for the Deaf were omitted from consideration since neither school makes initial identification decisions or determines the disability category of the students placed there. Students' Admissions and Release Committees in their districts of residence make those decisions.)

Table 1 provides the raw data used to obtain the Actual Target Data of 3.44%.

**Table 1**

Districts with Disproportional Representation (Over-Representation) for FFY 2006  
(All Disabilities)

	Number of districts with minimum of 50 students enrolled by race/ethnicity group with risk ratio $\geq 2.0$ including ten or more students with disabilities in that racial/ethnic group	Number of districts in left column identified as having inappropriate identification practices
Black	6	To Be Determined
Hispanic	0	0
Asian	0	0
American Indian	0	0

#### Over-Representation of Students in Racial and Ethnic Groups

KDE developed the following criteria in its FFY 2006 SPP for determining disproportionate representation of racial/ethnic groups in special education due to inappropriate identification.

Using Section 618 Child Count data which contains the race/ethnicity of students receiving special education services (ages 6-21), KDE uses the risk ratio method to determine disproportionate representation. The formula for the risk ratio is:

**Risk ratio = The racial or ethnic group's "risk" of receiving special education and related services Divided by The comparison group's "risk" of receiving special education and related services**

Kentucky uses a risk ratio of  $\geq 2.0$  as the first step in determining disproportionate representation (over-representation) for a particular racial/ethnic group. KDE uses its criteria for determining whether a district has disproportionate representation due to inappropriate identification practices as follows:

1. If the risk ratio for particular racial/ ethnic group in a district is 2.0 or higher, and,
2. If there are ten or more students of the racial/ ethnic group in the district receiving special education services, and

3. If there are 50 or more students of that particular racial/ethnic group in the district, and,
4. Beginning in FFY 2007 and thereafter, if the first three factors have been present within the district for two consecutive years.

**Note: For FFY 2006, this decision will be based on one year of data.**

### **Barriers to Obtaining Inappropriate Identification Data**

The Kentucky Continuous Monitoring Process (KCMP) is the method currently used by DECS to determine whether disproportionate representation of a particular race or ethnicity is due to inappropriate identification. Districts submit the KCMP to DECS on January 30<sup>th</sup> of each year. The APR is submitted to OSEP every year on February 1<sup>st</sup>. The timing of the KCMP submissions to DECS makes it impossible for DECS to use the KCMP to establish by the February 1 APR submission date whether a district's disproportionate representation is due to inappropriate identification.

OSEP notified KDE in its June 15, 2007 Response Letter that KDE was not in compliance with Indicator 9 requirements. The finding was based on KDE's inability to timely collect and analyze KCMP data on inappropriate identification. Although the June notification date did not give KDE adequate time to fix the data collection problem for FFY 2006, KDE has revised its system so that compliance with Indicator 9 is determined in a timely manner. The revision is contained in the February 1, 2008 SPP.

The new process will begin with the FFY 2007 APR. KDE will use the abbreviated NCCRESt Disproportionality Review as a district self-assessment tool and will no longer use the KCMP for determining compliance with Indicator 9. KDE's Section 618 Child Count data for FFY 2007 is submitted to OSEP in February of each year; thus, risk ratio calculations can be made by KDE in February. Districts with a risk ratio of 1.5 or higher will be notified of their status in the spring of each year. They will be sent the NCCRESt document if they have a risk ratio of  $\geq 1.5$ , and will return the self-assessment to DECS by autumn of each year.

The change in timing of the self-assessment process will allow DECS to determine whether each district is in compliance with Indicator 9 prior to the February 1<sup>st</sup> APR due date. The new process will enable KDE to comply with Indicator 9 requirements in FFY 2007. KDE expects the process for determining compliance with Indicator 9 to be fully in place for the FFY 2007 APR resulting in complete data being submitted for both FFY 2006 and 2007 at that time. As noted in the revised SPP, beginning in FFY 2007, Kentucky will use two years of data in determining district compliance with Indicator 9.

Based on revisions made in the FFY 2006 SPP, KDE will be in compliance within one year of notification of the finding of non-compliance for Indicator 9.

In the interim, KDE has analyzed data for FFY 2005 as required by OSEP in its Response Letter and has established a baseline for SPP Indicator 9. DECS will review the KCMP self-assessments in Spring 2008, which will establish whether any of the 6 identified districts have disproportionate representation due to inappropriate identification. The data regarding compliance with Indicator 9 for FFY 2006 will be provided to OSEP no later than February 1, 2009.

As directed by OSEP in its Response Letter, KDE has reviewed the existing policies and procedures of the 6 identified districts. No systemic issues related to inappropriate identification practices were revealed through this review. Kentucky districts are currently in the process of adopting new policies and procedures that fully meet the requirements of IDEA 2004 and the recently revised Kentucky IDEA regulations finalized in December 2007. (This process of adopting policies and procedures is set out as an Activity in Indicator 4A.) The new policies and procedures will be submitted to DECS for review and approval. The issue of disproportional representation will be carefully considered in the policy and procedure approval process.

For FFY 2006, the measurement used to calculate the Actual Target Data did not include districts whose disproportionate representation is the result of inappropriate identification. This calculation cannot be completed until KDE reviews KCMP self-assessments in Spring 2008. A discussion of barriers to obtaining the data and a plan of correction is in the following section.

Kentucky is in substantial compliance with Indicator 9, since at least 96.56% of its districts are in compliance with Indicator 9. KDE is in compliance, even though it has not yet reviewed the remaining 3.44% districts with disproportionate representation to determine if it is the result of inappropriate identification. The largest number of districts that are out of compliance with Indicator 9 is 3.44%. The subsequent review may show that fewer than 6 districts are out of compliance, once the reviews for determining inappropriate placement are made in Spring 2008.

#### Under-Representation of Students in Racial and Ethnic Groups

During FFY 2006, KDE developed criteria to identify districts whose special education populations may reflect disproportionate representation (under-representation) of certain race/ethnic groups. Using Section 618 Child Count data and the risk ratio method as defined above in the *Over-Representation* section, the process for determining disproportionate representation for Kentucky school districts is as follows:

1. If the district's risk ratio for particular racial/ ethnic group is 0.5 or lower, and,
2. If there are 50 or more students of that racial/ ethnic group enrolled in the district, and,
3. If the first two factors have been present within the district for two consecutive years;

The KDE data reflecting these criteria are set out in Table 2 below.

**Table 2**

Districts with Disproportional Representation (Over Representation) For All Disabilities  
FFY 2006

	# Districts with minimum of 50 students enrolled by race/ethnicity group with risk ratio < 0.5
Black	0
Hispanic	1
Asian	0
American Indian	0

Though complete data in this area are not available until the second year of the process described above (FFY 2007), there appear to be few issues of under- representation in Kentucky. The one district identified in Table 2 for FFY 2006 is relatively small in size; thus no statewide patterns of under-identification are noted at this time.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

Activity	Discussion of Improvement Activities Completed
<p>KDE will develop, implement and refine professional development offerings for Kentucky teachers to provide instruction to all students utilizing culturally responsive, research-based methods before being referred for special education services.</p>	<p>KDE's Office of Teaching and Learning has produced professional development in the areas of differentiated instruction and developing standards-based units of study for teachers. Both initiatives stress the importance of teachers understanding their students' cultural differences and using this knowledge to meet the needs of all students in the general education classroom.</p> <p>KDE currently has a work group focusing on Kentucky's implementation of Response to Intervention (RTI). General education at KDE is taking the lead on this initiative but DECS staff are an active part of the team. Once implemented, KDE believes that inappropriate referrals to special education among all racial /ethnic groups will be reduced.</p>
<p>DECS will study and refine the state's current method of identifying districts with significant disproportionality.</p>	<p>This activity has been completed. KDE has determined that significant disproportionality shall include all districts that have a risk ratio of 3.0 or higher with a minimum of 50 students of a particular ethnicity enrolled in the district and a population of at least ten students with disabilities.</p>
<p>DECS will review data from Indicators 1,2, 4,5, 8 and 14 to determine if a correlation exists and if so, develop appropriate strategies.</p>	<p>DECS has begun initial work on this activity and will be continuing this work during FFY 2007 and 2008.</p>



**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006:**

Activity	Timeline	Resource
<p><b>Activity Omitted:</b></p> <p>Develop in collaboration with stakeholders a self-assessment protocol for disproportionality to be utilized by districts in determining whether the disproportionality is the result of inappropriate policies, procedures or practices.</p>		
<p><b>Justification:</b></p> <p>KDE has elected to use the abbreviated NCCRESt Disproportionality Review for the district self-assessment and will be distributing the NCCRESt document to all districts that have a risk ratio <math>\geq 1.5</math>. Districts with acceptable risk ratios will continue to complete the KCMP self-assessment as a proactive means to prevent disproportionate representation from occurring.</p>		
<p><b>Revised Activity</b></p> <p>Contract with an outside consultant with expertise in special education disproportionality to build capacity with SEA staff and affected local district personnel relative to disproportionality issues.</p>	<p><b>Revised Timeline</b></p> <p>2008 and ongoing</p>	<p><b>Resources</b></p> <p>Outside Consultant</p>
<p><b>Justification:</b></p> <p>This activity was expanded to include training for local district personnel in addition to SEA staff. The timeline was revised due to the greater scope of the activity.</p>		

<b>Activity</b> Provide on-going guidance to districts in the use of the disproportionality protocol	<b>Revised Timeline</b> Spring 2008 - Ongoing	<b>Resources</b> DECS Special Education Co-ops
<b>Justification:</b>  A new self-assessment -the modified NCCRESt Disproportionality Review - will be distributed to districts with a risk ratio of $\geq 1.5$ during Spring 2008. Training on the appropriate use of this document will be provided at that time.		

### Indicator 15B Work Sheet – Compliance findings

FFY 2006 is the first year in which KDE has made findings of non-compliance for Indicator 9. As a result, no districts have noncompliances for either Indicator 9 or 10 that have been uncorrected for more than a year after notification of the noncompliance. The relevant section of the Indicator 15B work sheet is included below.

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	0	0

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution	0	0	0
	Other: Specify	0	0	0

## Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

### Monitoring Priority: Disproportionality

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

#### Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
<b>2006 (2006-07)</b>	The percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification will be zero percent (0%).

**Actual Target Data for FFY 2006:** No higher than 14.94%. The Actual Target Data may decrease after KDE finalizes its determinations of inappropriate identification in Spring 2008.

The calculations from the Measurement were:

26 Kentucky districts with disproportionate representation in specific disability categories divided by 174 districts, multiplied by 100, equals 14.94%.

(KDE used 174 districts as the denominator in the calculation, rather than 176 districts. Kentucky School for the Blind and Kentucky School for the Deaf were omitted from consideration, since neither school makes initial identification decisions or determines the disability category of the students placed there. Students' Admissions and Release Committees in their districts of residence make those decisions.)

Table 1 provides the raw data used to obtain the Actual Target Data of 14.94

**Table 1**  
**Districts with Disproportional Representation (Over- Representation)**  
**In One or More Category Area (FFY 2006)**

	<i>Number of districts with minimum of 50 students enrolled in race/ethnicity group with risk ratio 2.0+ including ten or more students with disabilities in that racial/ethnic group</i>	<i>Number of districts identified as having inappropriate identification practices</i>
<i>Black</i>	25	<i>To Be Determined</i>
<i>Hispanic</i>	1	<i>To Be Determined</i>
<i>Asian</i>	0	0
<i>American Indian</i>	0	0

KDE developed the following criteria in its FFY 2006 SPP for determining disproportionate representation of racial/ethnic groups under Indicator 10.

Using Section 618 Child Count data which contains the race/ethnicity of students receiving special education services in each disability category (ages 6-21), KDE uses the risk ratio method to determine disproportionate representation. The formula for risk ratio is:

Risk ratio = The racial or ethnic group's "risk" of receiving special education and related services in a particular disability category Divided by

The comparison group's "risk" of receiving special education and related services in a particular disability category

Kentucky uses a risk ratio of  $\geq 2.0$  as the first step in determining disproportionate representation (over-representation) for a particular racial/ ethnic group for Indicator 10. KDE's criteria for determining whether a district has disproportionate representation of a racial/ethnic group in a particular disability category is as follows:

1. If the district's risk ratio for a racial/ ethnic group in disability category is 2.0 or higher, and

2. If there are ten or more students of the racial/ ethnic group in a particular disability category receiving special education services, and
3. If there are 50 or more students of that particular racial/ethnic group in the district, and,
4. Beginning in FFY 2007 and thereafter, if the first three factors have been present within the district for two consecutive years.

**Note:** For FFY 2006, this decision will be based on one year of data. The KDE data reflecting these criteria are set out in Table 2 below.

**Table 2**  
**Districts with Disproportional Representation (Over Representation)**  
**Disaggregated by Ethnicity and Disability Category (FFY 2006)**

	<i>Black</i>	<i>Hispanic</i>	<i>Asian</i>	<i>American Indian</i>
<i>Mental Disabilities (MMD + FMD)</i>	15	0	0	0
<i>Emotional Behavioral Disability (EBD)</i>	15	0	0	0
<i>Other Health Impaired (OHI)</i>	1	0	0	0
<i>Speech Language (SL)</i>	2	0	0	0
<i>Specific Learning Disability (SLD)</i>	0	1	0	0
<i>Autism (AUT)</i>	0	0	0	0
<i>Developmental Delay (DD)</i>	3	0	0	0

### Over- Representation of Students in Racial and Ethnic Groups

The measurement used to calculate the Actual Target Data for FFY 2006 does not include districts whose disproportionate representation is the result of inappropriate identification. This calculation cannot be completed until KDE reviews the KCMP self-assessments in Spring 2008. A discussion of barriers in obtaining the data and a plan to correct the problem follows this section.

For FFY 2006, 26 of Kentucky's 174 districts have disproportionate representation in specific disability categories. The data indicate that 25 of the 26 districts have disproportionate representation for the Black student population, particularly in the category areas of Mental Disabilities and Emotional Behavioral Disabilities. The category areas of Developmental Delay, Speech Language and Other Health Impaired are also affected to a lesser extent.

One district has been identified as having disproportionate representation with the Hispanic student population in the category of Specific Learning Disabilities.

Step two in determining compliance for Indicator 10 will occur in Spring 2008. DECS will review the KCMP of each of the 26 districts with disproportionate representation, to determine if the disproportionate representation is due to inappropriate identification. After the review, the number of districts that have disproportionate representation due to inappropriate identification will be no larger than 26 and may decrease. After the Spring 2008 review, KDE's revised actual target data (the percentage of districts out of compliance with Indicator 10) may be lower than its current actual target data of 14.94%. In any event, Kentucky's current percentage of districts in violation of Indicator 10 can be no higher than 14.94%.

KDE has been unable to determine if the disproportionate representation is due to inappropriate identification due to barriers described below.

### **Barriers to Obtaining Inappropriate Identification Data**

The Kentucky Continuous Monitoring Process (KCMP) is the method currently used by DECS to determine whether disproportionate representation of a racial/ ethnic group in a particular disability category is due to inappropriate identification. Districts submit the KCMP to DECS on January 30<sup>th</sup> of each year. The APR is submitted to OSEP every year on February 1<sup>st</sup>. The timing of the KCMP submission to DECS makes it impossible for DECS to use the KCMP to establish, by the February 1<sup>st</sup> APR submission date, whether a district's disproportionate representation is due to inappropriate identification.

OSEP notified KDE in its June 15, 2007 Response letter that it was out of compliance with Indicator 10 requirements. This finding was based on KDE's inability to timely collect and analyze KCMP data on inappropriate identification. The June notification date did not give KDE adequate time to fix the data collection issue for FFY 2006. However, KDE has revised its system, so that in FFY 2007, it is able to determine compliance with Indicator 10 in a timely manner. The revision is contained in the February 1, 2008 SPP.

The new process will begin with the FFY 2007 APR. KDE will use the abbreviated NCCRESt Disproportionality Review as a district self-assessment tool and will no longer

use the KCMP for districts with disproportionate representation. KDE's Section 618 Child Count data for FFY 2007 containing the number of students in racial/ ethnic groups receiving special education in each disability category is submitted to OSEP in February of each year; thus, risk ratio calculations can be made by KDE in February. Districts with a risk ratio of 1.5 or higher will be notified of their status in the spring of each year. KDE will send the districts the NCCRESt document if they have a risk ratio of  $\geq 1.5$ . The districts will return the self-assessments to DECS by autumn of each year.

The change in timing of the self-assessment process will allow DECS to determine whether each district is in compliance with Indicator 1,0 prior to the February 1 APR due date. The change will allow KDE to be in compliance with Indicator 10 requirements in FFY 2007. KDE expects the process for determining compliance with Indicator 10 to be fully in place for the FFY 2007 APR, resulting in complete data being submitted to OSEP for both FFY 2006 and 2007 at that time. As noted in the revised SPP, beginning in FFY 2007 Kentucky will use two years of data in determining district compliance with Indicator 10.

In the interim, KDE has analyzed data for FFY 2005 as required by OSEP in its Response Letter and has established a baseline for SPP Indicator 10. DECS will review the KCMP self-assessments in Spring 2008, which will establish which of the 26 districts have disproportionate representation due to inappropriate identification. The data regarding compliance with Indicator 10 for FFY 2006 will be provided to OSEP no later than February 1, 2009.

As directed by OSEP in the June 15, 2006 Response Letter, KDE has reviewed existing policies and procedures of the 26 districts,. No systemic issues related to inappropriate identification practices were revealed through this review. Kentucky districts are currently in the process of adopting new policies and procedures that fully meet the requirements of IDEA 2004 and the recently revised Kentucky IDEA regulations finalized in December 2007. (This process of adopting policies and procedures is set out as an Activity in Indicator 4A.) The new policies and procedures will be submitted to DECS for review and approval. The issue of disproportional representation will be carefully considered in the policy and procedure approval process.

During FFY 2006, KDE developed the following criteria for identifying districts whose special education populations reflect under-representation of racial /ethnic groups in certain categories of disabilities:

If the district's risk ratio for particular racial/ ethnic group is 0.5 or lower, and,

1. If there are 50 or more students of that racial/ ethnic group enrolled in the district, and,
2. If the first two factors have been present within the district for two consecutive years.



The data reflecting these criteria for under representation are shown in Table 3.

**Table 3**  
**Number of Districts with Under Representation Disaggregated by Ethnicity and Disability Category (FFY 2006)**

	<i>Black</i>	<i>Hispanic</i>	<i>Asian</i>	<i>American Indian</i>
<i>Mental Disabilities (MMD + FMD)</i>	0	1	0	0
<i>Emotional Behavior Disorder (EBD)</i>	0	0	0	0
<i>Other Health Impaired (OHI)</i>	0	2	0	0
<i>Speech Language (SL)</i>	0	0	0	0
<i>Specific Learning Disability (SLD)</i>	0	0	0	0
<i>Autism (AUT)</i>	1	1	0	0
<i>Developmental Disability (DD)</i>	0	0	0	0

Although complete data will not be available until FFY 2007, the data reveals only two districts in which under- representation may be an issue. Overall, under- representation does not appear to be a significant issue in Kentucky at the present time.

**Discussion of Improvement Activities Completed and Explanation of Progress  
or Slippage that occurred for FFY 2006:**

<b>Activity</b>	<b>Discussion of Improvement Activities Completed</b>
<p>Develop, implement and refine professional development offerings for Kentucky teachers to provide instruction to all students utilizing culturally responsive, research-based methods before being referred for special education services.</p>	<p>KDE's Office of Teaching and Learning has produced professional development in the areas of differentiated instruction and developing standards based units of study for teachers. Both initiatives stress the importance that teachers understand their students cultural differences and use this knowledge to meet the needs of all students in the general education classroom.</p> <p>KDE currently has a work group focusing on Kentucky's implementation of Response to Intervention (RTI). General education at KDE is taking the lead on this initiative but DECS staff are an active part of the team. Once implemented, KDE believes that inappropriate referrals to special education among all race/ethnicity groups will be reduced.</p>
<p>Develop in collaboration with stakeholders a self-assessment protocol for disproportionality to be utilized by districts in determining whether the disproportionality is the result of inappropriate policies, procedures or practices.</p>	<p>KDE has decided to use a modified version of the NCCRESt Disproportionality Review and will be distributing it to all districts that meet the statistical criteria for disproportionate representation to complete, in lieu of the KCMP process for Indicators 9 and 10. All other districts will continue to complete the KCMP process as a proactive means to assist in the prevention of disproportionate representation occurring.</p>
<p>Study and refine the state's current method of identifying districts with significant disproportionality.</p>	<p>This activity has been completed. KDE has determined that significant disproportionality shall include all districts that have a risk ratio of 3.0 or higher with a minimum of 50 students of a particular ethnicity enrolled in the district and a population of at least ten students with disabilities.</p>

Activity	Discussion of Improvement Activities Completed
Review data from Indicators 1,2, 4,5, 8 and 14 to determine if a correlation exists and if so, develop appropriate strategies.	DECS has begun initial work on this activity and will continue its work during 2008.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006:**

Activity	Timeline	Resource
<b>Activity Omitted:</b> Develop in collaboration with stakeholders a self-assessment protocol for disproportionality to be utilized by districts in determining whether the disproportionality is the result of inappropriate policies, procedures or practices.		
<b>Justification:</b> KDE has elected to use the abbreviated NCCRESt Disproportionality Review for the district self-assessment and will be distributing the NCCRESt document to all districts that have a risk ratio $\geq 1.5$ . Districts with acceptable risk ratios will continue to complete the KCMP self-assessment process as a proactive means to prevent disproportionate representation from occurring.		
<b>Revised Activity</b> Contract with an outside consultant with expertise in special education disproportionality to build capacity with SEA staff and affected local district personnel relative to disproportionality issues.	<b>Revised Timeline</b> 2008 and ongoing	<b>Resources</b> Outside Consultant

**Justification:**

This activity expanded to include training for local district personnel in addition to SEA staff. The timeline was revised due to the greater scope of the activity.

<b>Activity</b>	<b>Revised Timeline</b>	<b>Resources</b>
Provide on-going guidance to districts in the use of the disproportionality protocol	Spring 2008 - Ongoing	DECS Special Education Co-ops
<b>Justification:</b>  A new self-assessment -the modified NCCRESt Disproportionality Review - will be distributed to districts with a risk ratio of $\geq 1.5$ during Spring 2008. Training on the appropriate use of this document will be provided at that time.		

**Indicator 15B Work Sheet – Compliance findings**

FFY 2006 is the first year in which KDE has made findings of non-compliance for Indicator 10. As a result, no districts have noncompliances for Indicator 10 that have been uncorrected for more than a year after notification of the noncompliance. The relevant section of the Indicator 15B work sheet is included below.

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	0	0
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution	0	0	0
	Other: Specify	0	0	0

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Disproportionality**

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).

**Measurement:**

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b + c) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
2006	One hundred percent (100%) of children with parental consent to evaluate will be evaluated and eligibility determined within 60 school days.

**Actual Target Data for FFY 2006: 94.48%**

KDE believes it is in substantial compliance with Indicator 11. (See discussion of baseline data.)

**Table 1**  
Measurement for Indicator 11

<b>Raw Data</b>	
(a) Number of children for whom parental consent to evaluate was received	8,145
(b) Number determined not eligible whose evaluations were completed within 60 school days*	2,815
(c) Number determined eligible whose evaluations were completed within 60 school days*	4,880
[(b+c) divided by (a)] times 100	94.48%

\*Kentucky has a state established timeline of 60 school days under 707 KAR 1:320.

In Kentucky's revised SPP submitted on February 1, 2007, the state's baseline compliance rate was 95.43%. However, as explained in the SPP, no statewide data collection mechanism existed to collect (1) the number of children whose evaluations were completed and determined not eligible and (2) the range of days beyond the timeline when the evaluation was completed with reasons for the delays.

Lack of data collection mechanisms to collect all data required for Indicator 11 was cited by OSEP as an issue in its SPP/APR Response letter to Kentucky, dated June 15, 2007. For the FFY 2006 APR, the monitoring system has been revised to collect all data components of Indicator 11.

### **New Baseline**

In response to OSEP's June 15, 2007 Response letter, KDE revised the Kentucky Continuous Monitoring Process (KCMP) to collect all required data components for Indicator 11. Kentucky's districts submitted their KCMP data files to DECS in November 2007 in time for KDE to report all components.

The new baseline set by the change in the measurement has resulted in a compliance rate of 94.48% for Kentucky, less than 1% lower than the original FFY 2005 baseline. The 94.48% is also only .52% below than the percentage OSEP considers as being in substantial compliance.

Additionally, as illustrated by Graph 1 and 2 on the following pages, the compliance rate of 94.48% does not include two exceptions to the initial evaluation timeline requirement in the amended 2006 federal IDEA regulations –parent non-cooperation and transfer students.

34 CFR 300.301(d) does not regard a district as being out of compliance with initial evaluation timelines where “the parent of a child repeatedly fails or refuses to produce the child for the evaluation.” As shown by the graphs below, in cases where the 60 school day timeline was not met by the district, Kentucky districts cited parent factors as the reason for delay approximately 40% of the time – far more than any other factor.

Additionally, delays due to the transfer of students were excluded as a noncompliance in the 2006 IDEA regulations but were not excluded as a noncompliance in the data collected by KDE. “Transfer student” was the reason cited by Kentucky districts for delays in evaluation in 13% to 17% of the time. See Graph 1 and 2.

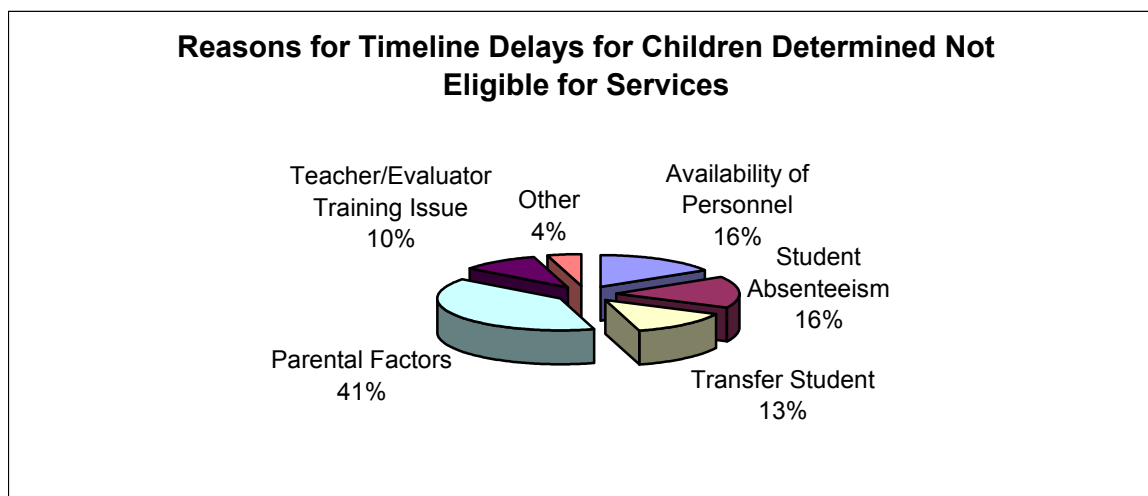
Adding the percentages for delays due to parent factors and transfer students means that 54% to 56% of the time, factors that are excluded in federal law from violation of the evaluation timelines were not excluded by KDE as a violation. Kentucky believes that its 94.48% compliance rate for Indicator 11 is, in actuality, well over the 95% rate which is considered to be in substantial compliance. Over half of Kentucky’s non-compliances were based on factors for delay that are not considered violations under federal law. As noted above, federal law was amended in 2006 to recognize that school districts were being held responsible for initial timeline violations for reasons that were out of their control --- that is, delays in evaluation caused by transfer students and parent factors.

KDE continued to collect data under the former law- which regarded parent factors and transfer students as noncompliances in timely initial evaluation- because Kentucky’s new IDEA regulations were finalized less than two months ago (December 2007). (The barriers in finalizing Kentucky’s IDEA regulations are fully set out in Indicator 4A.) Thus, Kentucky used its more stringent state law in determining district non-compliance under Indicator 11 in FFY 2006 rather than the less severe federal law. For FFY 2007, KDE will use the exclusions permitted by federal law and its revised state regulations in this area, which will further reduce the number of Kentucky school districts in violation of IDEA’s timely initial evaluation requirements.

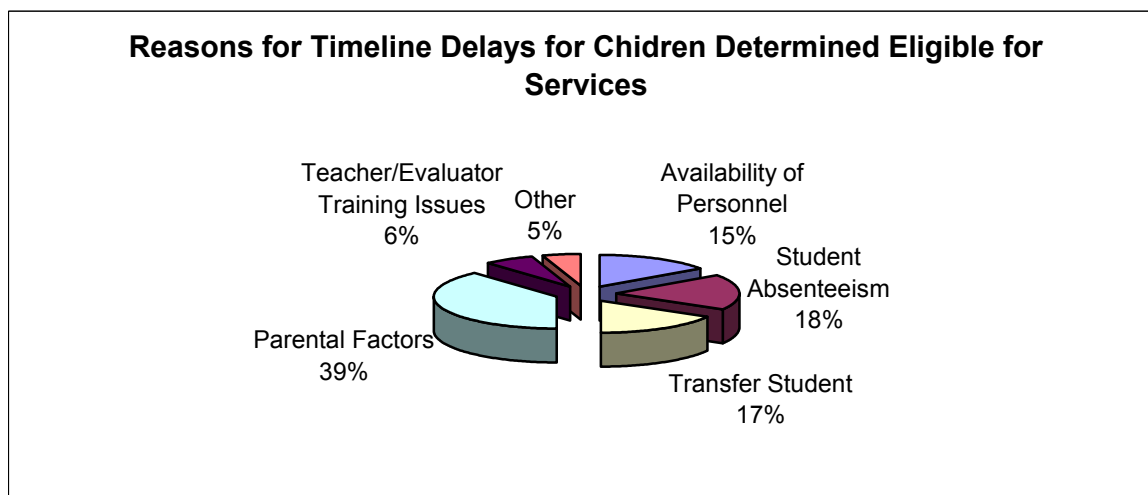
Given the above factors, KDE believes it is in substantial compliance with federal law for Indicator 11.



Graph 1



Graph 2



Explanation of Graphs 1 and 2 - The KCMP data file contains a checklist that districts complete, citing reasons timelines were delayed. In addition, an “other” category was included for districts to report reasons not included on the form and to provide a brief explanation. Districts not meeting evaluation timelines cited parental factors as the most frequent reason for the delay. Availability of evaluation personnel, student absenteeism and students transferring in or out of the district also occurred to a lesser degree.

KCMP data indicate that in Kentucky the least number of days over the evaluation timeline was 1 day with the greatest number of days over the 60 school day timeline to be 114 days, as reflected in the following chart.

Table 2

Range of Days Beyond the Timeline when the Evaluation was Completed		
	Least Number of Days	Greatest Number of Days
Students Determined Not Eligible	1	114
Students Determined Eligible	1	108

As stated above, until FFY 2006 KDE did not have a mechanism in place to collect data on the range of days beyond the 60 school day timeline when the initial evaluation was completed. Table 2 provides raw data for this component; however, note that no distinction was made between delays for reasons outside the district's control, such as transfer students and parent factors, and delays in which the district was out of compliance with IDEA.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

Activity	Discussion of Improvement Activities Completed
The Kentucky Continuous Monitoring Process (KCMP) will be revised to ensure data is collected to capture the numbers and percentage of students who were determined not eligible whose evaluations and eligibility determination was completed in 60 school days, the state established timeline. Additionally, data collection points will be added to collect the range of days beyond the 60 school day timeline and the reasons for the delay for each district so that data will be available by November 15 of each year prior to submission of the APR.	The KCMP revision described in this activity was completed in July 2007. Districts submitted FFY 2006 data files by November 15, 2007. This allowed DECS to capture and report on all required data points as specified in the Measurement for Indicator 11.

Activity	Discussion of Improvement Activities Completed
DECS will continue to use the KCMP process as a mechanism to monitor district compliance with the evaluation timeline requirements. Districts who are in compliance will annually submit a maintenance plan while districts out of compliance will analyze the reasons for the noncompliance and will submit and implement a corrective action plan.	The KCMP, in addition to on-site visits, management audits and dispute resolution procedures, is used to determine district compliance with evaluation timeline requirements. The KCMP Subcommittee provides guidance to DECS regarding content needs for the KCMP. The Subcommittee continually seeks ways to make the process more closely aligned with the SPP/APR to ensure that districts are focused on data analysis and timely correction of findings of noncompliance.
The Special Education Co-ops will provide technical assistance to all districts including those districts that are in substantial compliance. Emphasis will be placed on those districts whose compliance rate is less than 90%.	The Special Education Co-ops have shifted their focus to help KDE achieve or maintain its targets for the SPP, by making conscious, data-driven decisions to inform the services being provided to their member districts. This includes the requirements for Indicator 11.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006:**

No revisions required.

**Analysis of Data/ Determination of Noncompliances (from B15 Worksheet)**

Until FFY 2005, this Indicator was monitored by DECS by on-site visits and dispute resolution procedures. During FFY 2005, the 12 districts that received on-site visits were all found to be in compliance with this indicator. No findings were issued through formal complaints or hearings during this same time frame. See Table 3, the B15 Worksheet, on the following page.

Indicator 11 requirements were added to the KCMP during FFY 2005. Due to the timing of the district KCMP submissions to DECS and the subsequent review process, letters to the 55 districts citing noncompliance with this requirement were issued early in FFY 2006. Consequently, those districts cited are still within the one-year timeframe they were given to correct these findings of noncompliance.

The issue of timely correction of non-compliance for Indicator 11 will be addressed in the FFY 2007 APR when the one-year timeframe has expired.

Table 3

## B15 Worksheet

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	12	0	0
	Dispute Resolution	0	0	0
	Other: Specify	0	0	0

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision/Transition**

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

**Measurement:**

- a. # of children who have been served in Part C and referred to Part B for eligibility determination
- b. # of those referred determined to be not eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refused to provide consent caused delays in evaluation or initial services.

Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for delay.

Percent=[(c) divided by (a-b-d) times 100.

FFY	Measurable and Rigorous Target
2006	100%

**Actual Target Data for 2006: 96.56%.**

Kentucky is in substantial compliance with this Indicator.

The actual target data was calculated by using the Measurement. The number of children found eligible who had an IEP developed by their third birthday (1940 children) was divided by 2009 children. (The figure of 2009 children was calculated by taking the number of children served in Part C and referred to Part B (2513 children), subtracting the number of children timely determined not eligible (177 children) and subtracting the number of children whose parents refused to provide consent that caused delay (327 children). The quotient of .9656 was obtained by dividing 1940 by 2009. The percentage of 96.56 % was the result of multiplying the quotient by 100, as required by the measurement. The raw data used for the measurement is contained in Table 1 below:

**Table 1**  
Numbers Used to Calculate Actual Target Data

FFY	(a) Number of Referrals	(b) Not eligible	(c) IEP by 3 <sup>rd</sup> birthday	(d) Parent refused	Target %
2006	2513	177	1940	327	96.56%

**Table 2**  
Range of Days Beyond the Third Birthday and Reasons for Delays

Range of Days IEP Delayed	Reasons for Delays
1-256	<ul style="list-style-type: none"> <li>Parents requested delay due to family emergency or child's illness</li> <li>District unable to locate child/family in timely manner</li> <li>Child moved in and out of district frequently during evaluation period</li> <li>Referral from Part C received late (less than 90 days prior to child's third birthday)</li> </ul> <p>Note: The delay of 256 days was reported by one district. This specific incidence occurred due to a combination of the parents moving out of the district for an extended period and the district not closing the electronic file. The family moved back into the district and the district activities were completed at that time.</p>

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage:

#### Explanation of Progress

Data indicate that Kentucky districts are 96.56% in compliance with this indicator. This compliance rate from this source of data, based upon 174 of 174 districts reporting, is almost identical to KDE's KCMP monitoring data. KCMP indicates a compliance rate of 96.01%.

(Note: KCMP data is based upon a record review sample. The FFY 2006 transition data used in this year's APR is census data).

While the percentage is below the expected rate of 100%, the data clearly shows improvement from last year's FFY 2005 APR and vast improvement from the baseline year of FFY 2004, as demonstrated in Table 3.

**Table 3**

Comparison of FFY 2006, 2005 and 2004 Data for Indicator 12

<b>FFY</b>	<b>(a) Number of Referrals</b>	<b>(b) Not eligible</b>	<b>(c) IEP by 3<sup>rd</sup> birthday</b>	<b>(d) Parent refused</b>	<b>Target %</b>
<b>2006</b>	2505	176	1933	327	96.55%
<b>2005</b>	1328	Data not available	1246	Data not available	93.75%
<b>2004</b>	1176		929		79.34%

As noted above, FFY 2006 data is census data. FFY 2005 and 2004 data were obtained by sampling from the KCMP self-assessment. The data collection process was revised by KDE and was effective in FFY 2006, as required by the OSEP June 15, 2007 Response Table to KDE for Indicator 12.

Intense statewide technical assistance was provided by KDE's Division of Early Childhood, in partnership with the Early Childhood Regional Training Centers during 2007. KDE believes that increased emphasis through training and the districts' resulting understanding of the compliance requirements has brought about the improvement in compliance for Indicator 12.

<b>Activity</b>	<b>Discussion of Improvement Activities Completed</b>
DECS will continue to fund the Kentucky Early Childhood Transition Project (KECTP) to work with local and regional districts and stakeholders.	<p>Funding was provided to the University of Kentucky, Human Development Institute, to continue the Kentucky Early Childhood Transition Project (KECTP). Technical assistance was provided to community groups addressing the development and implementation of a community-wide interagency transition agreement for all children as noted prenatal to six in the FFY 2005 APR.</p> <p>In conjunction with KECTP, the Early Childhood Regional Training Centers also provided 12 technical assistance and training opportunities statewide.</p> <p>Five pilot counties started the process of moving from a local transition agreement to a community interagency transition plan and an additional five counties started the process to develop both interagency transition plans and agreements.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006**

Activity	Timelines	Resources
<b>Activity Omitted:</b> DECS will require all districts to provide transition data through the KCMP.	N/A	N/A
<b>Justification:</b> KDE determined that census data would provide more accurate data than the KCMP data that was based on sampling of records. KDE also had to add the missing measurement elements to the new data system to ensure compliance with the measurement table.		
Activity	Timelines	Resources
<b>Activity Omitted:</b> Division of Early Childhood Development will address transition issues at the Fall and Spring Preschool Leadership meetings. Division of Early Childhood Development will provide transition training at the annual Early Childhood Institute. Division of Early Childhood Development will provide transition training at the annual Infant and Toddler Institute.	N/A	N/A



<b>Justification:</b> <p>While these activities provided needed awareness level information about transition, the impact on improving transition practices at the district level was minimal. The provision of targeted technical assistance and training to those districts who are not in compliance with Indicator 12 or who have not met the target of 100% will be a better use of resources. The Division of Early Childhood Development will continue to provide awareness level training but not as an APR Improvement Activity.</p>		
<b>Activity</b>	<b>Timelines</b>	<b>Resources</b>
<b>Revised Activity (Added):</b> <p>Targeted technical assistance will be provided to districts that have not met the state target and/or those districts that have been cited for not correcting a noncompliance within one year. The type of assistance (training, consultation, or coaching) will be individually determined as to the intensity of needed supports to meet the target. All districts receiving targeted technical assistance will submit data depicting progress towards meeting the compliance target periodically.</p>	2008- ongoing	<p>KDE staff from divisions of Exceptional Children and Early Childhood</p> <p>KECTP staff</p> <p>RTC staffs</p> <p>First Steps Coordinator, Training Coordinator and Training and TA teams</p> <p>Special Education CO-OP staffs</p>

**Justification:**

Past efforts at widely disseminating supports through improvement activities to ensure compliance with this indicator have not had the needed focus and intensity to move specific districts to compliance status. The “watershed” approach works for districts that have fully institutionalized efficient internal procedures for transition and good interagency communication with the Part C agency. Districts that do not meet the target need assistance tailored to the root cause of the noncompliance and resulting changes to the implementation of policies and practices. In FFY 2005, there were 67 citations of noncompliance in the area of transition as indicated on the 15B worksheet.

The structure of the improvement activity will ensure efficient use of resources. Through targeting specific districts, it also ensures that intensive assistance is provided to those districts most in need.

Activity	Timelines	Resources
DECS will refine and revise the data collection system as needed for tracking non-compliances found through monitoring, hearings and complaints. The revised system will provide mechanisms for disaggregating district initiated issues for noncompliance from parent initiated reasons for noncompliance.	January 2008-2010	DECs staff Division of Early Childhood Development Preschool staff

**Justification:**

The current data collection system is not designed to collect reasons for noncompliance in any format other than open narratives submitted by the districts. The identification of reasons is only possible through manual reading of each submission and hand tallying the reasons. Overall identification of noncompliance is influenced by the subjectivity of the reader that resulted in some inconsistency in the determination of noncompliance. There is also no way to separate noncompliance due to district issues from noncompliance due to parent-initiated reasons.

**Indicator 15B Work Sheet – Compliance findings**

As required by OSEP in its June 15, 2007 Response Letter to KDE, information from Indicator 15 on non-compliances corrected within one year of notification is being included within Indicator 12.

FFY	Number of districts monitored	Number of findings of noncompliance on Indicator 12	Number of findings corrected within one year	Number of findings <u>not</u> corrected within one year
2005	176	67 (38%)	45 (67%)	22 (33%)

**Analysis of Data/Determination of Noncompliance:**

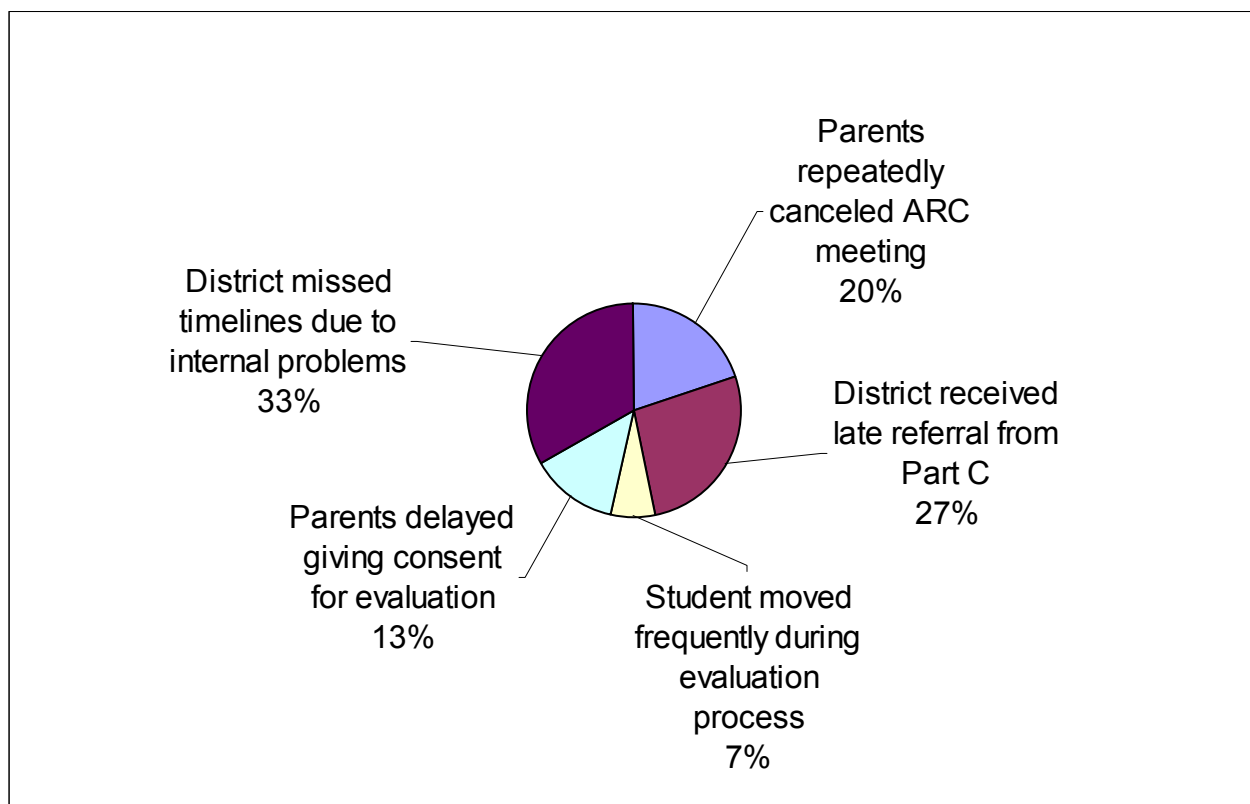
Districts submit self-monitoring assessment data (KCMP) to KDE in January of each year. KDE staff, along with staff from the Special Education Cooperatives, review the submissions for compliance and compare district results to each target. Those districts that did not meet the compliance requirement of 100% for this indicator were identified as noncompliant. Those districts were included in the B15 Worksheet data.

**Timely Correction of Non-Compliance:**

Of the districts with an Indicator 12 noncompliance, 67% corrected the noncompliance within one year. Thirty-three percent (33%) did not correct the noncompliance within one year for a variety of reasons (See Graph 1 below).

Graph 1

## Reasons for Noncompliance with Indicator 12



As noted in the chart above, the majority of reasons for not meeting the timeline for children transitioning from Part C are related to parent-initiated actions. Late referrals from Part C service coordinators also contributed to the noncompliance of some districts. While KDE notifies districts of children transitioning from Part C at least six months prior to the third birthday, this notification is dependent upon timely actions by the Part C service coordinators to ensure all transitioning children are in the data system.

Thirty-three per cent of the reasons for noncompliance were due to issues within district control such as scheduling evaluations and use of staff and other resources to meet timelines.

Districts in noncompliant status are requested to become members of the Part C District Early Intervention Councils (DEICs) to increase communication and problem-solve transition issues. Other corrective actions include participation in transition training offered by the KECTP and Special Education Cooperatives.

**Barriers to collecting 15B data:**

Due to the inability to easily disaggregate the noncompliance data, it was difficult to clearly delineate which districts were noncompliant because of actions within the control

of the district and those districts whose timeline exceptions were the results of parent or service coordinator actions.

**Barriers to Reviewing Policies and Procedures:**

The State Transition team developed an interagency transition agreement, which sets out individual policies and procedures (roles and responsibilities). The agreement provides guidance to regional transition teams, which in turn, provides guidance to local communities. Kentucky is in the process of aligning current agreements with the transition agreement. State administrators may view completed agreements online; however, statewide conversion will not be completed until 2010-11. Therefore, not all districts have an updated agreement and not all have participated in the technical assistance.

Other revisions that will need to occur include the updating of policies and procedures that are compliant with IDEA 2004 and subsequent state and federal regulations. Kentucky's IDEA regulations were final in December 2007. Districts with the assistance of the Special Education Co-ops and other state partner organizations are in the process of reviewing and revising their policies and procedures.

**Validity of Data:**

KDE Early Childhood Division staff reviewed transition data submitted by the districts for errors. Districts were required to revise and re-submit data when errors were noted.

As the transition data is nearly identical to the KCMP self-assessment data, KDE believes Indicator 12 data are valid.

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 13:** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Measurement:**

Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
2006-2007	One hundred percent (100%) of youth aged 16 and above will have an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Actual Target Data for 2006-2007: 67.60%**

$$\frac{1734 \text{ (\# of youth with compliant IEPs)}}{2565 \text{ (total \# of youth aged 16 and above with IEPs reviewed)}} = 67.60\%$$

The raw data, collected through the KCMP, is set out in Table 1.

**Table 1**

KCMP Indicator	Percentage in Compliance
ST 7.1: Beginning at age 16, each student's IEP meets the standards as required by KCMP Indicators ST 4.1; 5.1; 5.2; 6.1; 6.2; 6.3.	<p>2565 records reviewed</p> <p>1734 in compliance</p> <p><b>67.60%</b> in compliance</p>

As part of the Kentucky Continuous Monitoring Process (KCMP) process, all districts conduct record reviews of at least 10% of their student records, with a minimum of 10 and a maximum of 50 files reviewed. In developing this selection strategy, the Division of Exceptional Children Services (DECS) received technical assistance from OSEP Technical Assistance providers to ensure that the sample was valid and representative.

To validate and maintain the accuracy of these data, DECS routinely reviews district level KCMP data when conducting scholastic audits, management audits, technical assistance visits, and other on-site activities that include the involvement of DECS staff.

As stated in Kentucky's SPP (and directed by the June 15, 2007 OSEP Response Letter), the KCMP indicators have been aligned with the OSEP approved National Secondary Transition Technical Assistance Center (NSTTAC) Indicator 13 Checklist. Based on statewide KCMP data submitted by November 15, 2007, the percentage of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals was **67.60%**.

The following results in Table 2 were found through analysis of the KCMP data. This included examining each individual indicator within the KCMP that contributed to the total Indicator 13 percentage.

**Table 2**

KCMP Compliance Indicators related to Secondary Transition

KCMP Indicator	Percentage in Compliance
ST 4.1: Beginning at age 14, each student with a disability is completing an Individual Learning/Graduation Plan that includes a multi-year course of study that focuses on improving the academic and functional achievement of the student to facilitate movement from school to post-school.	3832 records reviewed 3566 in compliance 93.06% in compliance
ST 5.1: Beginning at age 16, each student's IEP includes Statements of Needed Transition Services that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school, including, if appropriate, interagency responsibilities and any needed linkages.	2693 records reviewed 2541 in compliance 94.36% in compliance

KCMP Indicator	Percentage in Compliance
ST 5.2: Beginning at age 16, each student's IEP includes documentation that for transition services in the IEP that are likely to be provided by or paid for by other agencies, with parental consent (or youth consent at the age of majority), representatives of the agency(ies) were invited to the IEP meeting.	2279 records reviewed 1641 in compliance 72.01% in compliance
ST 6.1: Beginning at age 16, each student's IEP includes a measurable postsecondary goal(s) that covers education or training, employment, and, as needed, independent living.	2641 records reviewed 2226 in compliance 84.29% in compliance
ST 6.2: Beginning at age 16, each student's IEP includes at least one annual goal that will reasonably enable the student to meet each postsecondary goal.	2612 records reviewed 2236 in compliance 85.60% in compliance
ST 6.3: Beginning at age 16, each student's record includes documentation that the measurable postsecondary goal(s) was based on age-appropriate transition assessments.	2609 records reviewed 2289 in compliance 87.73% in compliance

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2006-2007:

**Explanation of Progress:** The actual target data of 67.60% is considered baseline data. Prior to FFY 2006, KDE did not collect data on all needed items to determine compliance with Indicator 13.

The November 2007 KCMP collected data for all items set forth in the OSEP- approved NSTTAC Indicator 13 Checklist. The addition of checklist items to KDE's monitoring system was accepted by OSEP in its June 15, 2007 OSEP Response Letter. Attributing to progress toward the target for Indicator 13 was progress made in the following activities:



- Clarification of requirements and standards for this indicator through the KCMP process
- Use of regional staffing to address transition needs in each Special Education Cooperative
- Direction provided by the State Transition Coordinator
- Continued partnership with the National Centers (National Postschool Outcomes Center (NPSO); National Secondary Transition Technical Assistance Center (NSTTAC); National Dropout Prevention Center for Students with Disabilities (NDPC-SD))

Progress was made in that the KCMP is now aligned with the OSEP-approved Indicator 13 checklist. As stated in the SPP improvement activities, DECS will continue to review and revise the KCMP process in order to assist school districts in their self-assessment of the secondary transition requirements.

DECS will also emphasize the importance of secondary transition requirements through the public reporting requirements of school districts' result for Indicator 13. This will add accountability to districts' plans for improvement submitted through the KCMP. The KCMP will also be re-examined and clarified to better reflect the requirements of Indicator 13.

**Discussion of Improvement Activities Completed:**

See discussion under Indicator 1. The discussion of improvement activities in Kentucky's SPP Indicators 1, 2, 13, and 14 are aligned to coordinate efforts to increase performance.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2006-2007.**

See discussion under Indicator 1. The discussion of improvement activities in Kentucky's SPP Indicators 1, 2, 13, and 14 are aligned to coordinate efforts to increase performance.

**Analysis of Data/Determination of Noncompliances (from B15 Worksheet):**

See discussion under Indicator 1. The noncompliances in the cluster area of transition, which includes Indicators 1, 2, 13, and 14, are described and addressed under Indicator 1.

**Part B State Annual Performance Report (APR) for FFY 2006**

**Overview of the Annual Performance Report Development:** See Introduction.

As directed by OSEP, baseline data, targets, and improvement activities for Indicator 14 are provided in the revised 2005 SPP. The 2005 SPP is posted at [www.education.ky.gov](http://www.education.ky.gov).

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 14:** Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

As directed by OSEP, baseline data, targets, and improvement activities for Indicator 14 are provided in the revised 2005 SPP. The 2005 SPP is posted at [www.education.ky.gov](http://www.education.ky.gov).

**Monitoring Priority: Effective General Supervision Part B / Effective Transition**

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
2006-2007	One hundred percent (100%) of noncompliances identified through the general supervision system (monitoring, complaints, due process hearings, etc.) are corrected within one year of identification.

**Actual Target Data for FFY 2006:** 100% of non-compliances identified through on-site visits; complaints and hearings were corrected within one year of identification;

With the addition of data from the Kentucky Continuous Monitoring Process (KCMP), the district self-assessment tool, 64.92%% of non-compliances were corrected within one year of identification.

Data for the FFY 2006 APR reveals that 100% of all non-compliances identified through on-site monitoring, hearings and formal complaints were corrected within one year. Raw data is shown in Table 1, the B15 Worksheet.

For the FFY 2004 SPP and 2005 APR, KDE used data from on-site monitoring, formal complaints and due process hearings for Indicator 15. In the initial year of reporting

(FFY 2004), KDE reported 0% compliance with Indicator 15, since it did not ensure that identified non-compliances were corrected within one year.

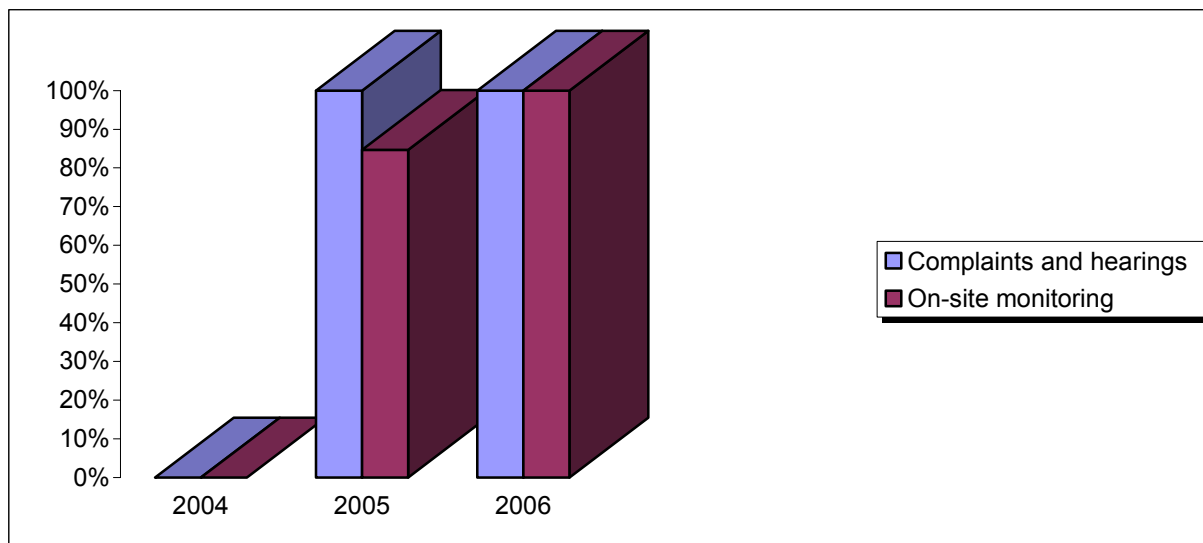
The FFY 2005 APR revealed major improvement for Indicator 15. 100% of non-compliances found through formal complaints and hearings were corrected within one year of identification. The rate of correction for on-site monitoring improved to 84.7%

Had the state applied the criteria used in FFY 2004 and 2005 for Indicator 15, KDE would have achieved 100% compliance for Indicator 15 in FFY 2006. However, FFY 2006 is the first year for which KDE reported the KCMP self-assessment data for Indicator 15. With the addition of the KCMP non-compliance data to on-site monitoring, complaint and hearing data, KDE's compliance rate for Indicator 15 dipped to 64.92%. Adding the KCMP data for the first time prevented KDE from meeting its target of full compliance for this indicator.

KDE has made vast strides toward compliance with Indicator 15 since FFY 2004. KDE expects to be in full compliance for Indicator 15 in FFY 2007 in its second year of considering KCMP data for this indicator.

**Graph 1**

Percentage of Correction Within One Year of Identification of Complaints, Hearings and On-site Monitoring Non-Compliances (KCMP Data Not Included)



### Number of Findings of Non-Compliance for Indicator 15

In the FFY 2005 APR, KDE reported a total of 445 findings of non-compliance for Indicator 15. This year's APR shows that the numbers of findings for the indicator decreased to a total of 268 non-compliances. (See Table 1 for raw data.) The reason for the decrease is two-fold.

The FFY 2005 APR data were reported prior to OSEP guidance that, for individual districts, States should consider multiple findings of noncompliance as one finding, if the non-compliances involved the same legal requirement. For example, in FFY 2005, KDE counted as individual non-compliances, instances where findings of non-compliance from the KCMP were also found by on-site monitoring visits and complaints. This year, KDE changed its method of reporting the non-compliance data to reflect one non-compliance for each legal requirement violated by the district, even though the violation was identified by multiple methods of monitoring.

The second reason for the decrease in the total number of findings for Indicator 15 is due to KDE's calculations involving Indicator 13. Indicator 13 contains requirements for secondary transition. It has individual components that must be complied with, in order for the district to be in compliance with Indicator 13 as a whole. During KDE's KCMP review in FFY 2005, any violations of the individual components for Indicator 13 were counted as separate finding of non-compliance. This practice was changed in FFY 2006 to reflect the OSEP guidance that multiple violations of the same indicator be counted once and not multiple times.

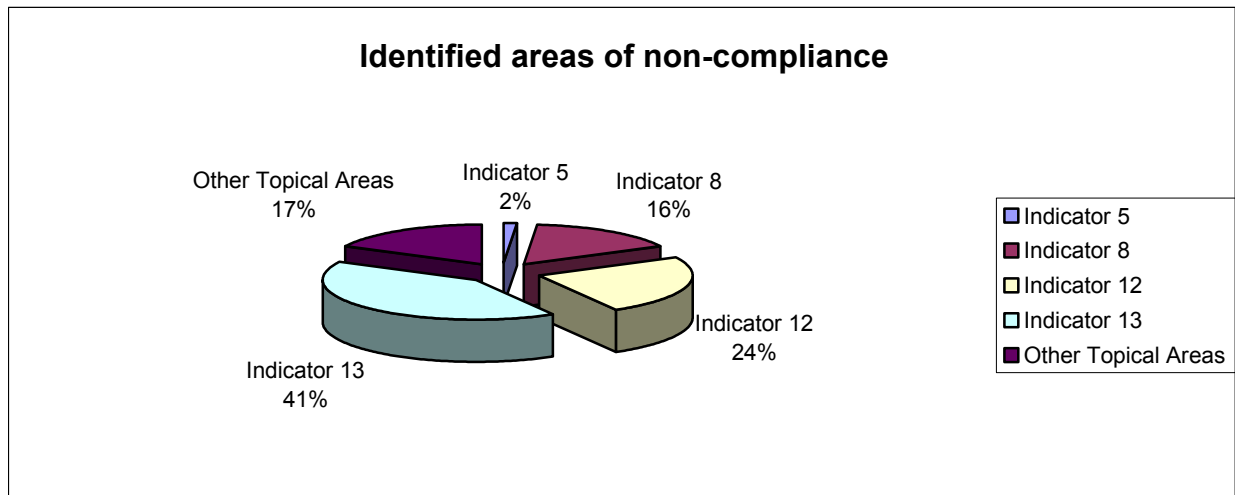
This correction is reflected by the data reported in the Indicator B-15 Worksheet and is addressed in the revised SPP posted on the web at [www.education.ky.gov](http://www.education.ky.gov).

### **Identified Areas of Non-Compliance**

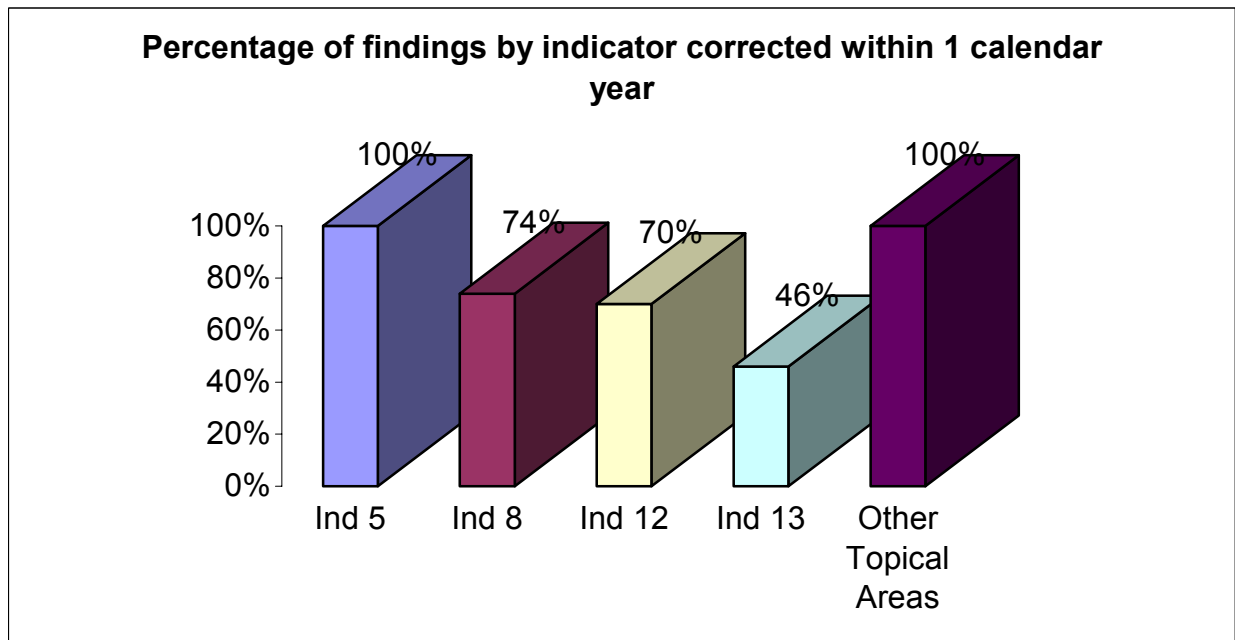
The two graphs below represent data from the measurement table reported in the Worksheet. Most findings in FFY 2005 occurred for Indicators 13 (41%), 12 (24%), 8 (16%) and 5 (2%). They were primarily identified through the district self-assessment process. Indicators 13 and 12 also reflect the lowest instances of findings that were corrected within one calendar year. Most of the remaining 17% of findings pertain to non-SPP requirements such as Child Find, evaluation and eligibility; Individual Education Program (IEP) requirements; and due process procedures. These were identified through on-site visits or complaint investigations and were all corrected in a timely manner.

Kentucky did not issue findings for Indicator 11 through the KCMP until FFY 2006. Therefore, KCMP data will not be reflected in Indicator 15 calculations until FFY 2007 since the 55 districts cited in this area are still in the process of completing their corrective action plans.

Graph 2



Graph 3



### Barriers to Collection of Data for Indicator 15B Worksheet

DECS began developing the formal complaint and due process hearing database after submission of the FFY 2004 SPP. The purpose of the database was to assist with data collection for the general supervision indicators of the SPP (Indicator 15-20)

Certain fields in the DECS database were predicated upon DECS' understanding that for purposes of Indicator 15, there were IDEA non-compliances in "monitoring priority areas" i.e., SPP Indicators 1-14, and non-compliances in "areas that were not included in the ... monitoring priority areas", i.e., everything else. [See the "Measurement" for the FFY 2005 SPP, Indicator 15.] As a result, DECS established a database field for

violations of Indicators 1-14 of the SPP (SPP violations). A data field for miscellaneous IDEA violations, such as discipline, IEPs and due process, was also developed.

The Measurement for APR Indicator 15 was changed by OSEP in FFY 2006, deleting the reference to “monitoring priority areas.” DECS has not yet changed the “violations field” in its database, due to uncertainty about the type of data that must be reported in Indicator 15. Particularly problematic is the issue of SPP outcome indicators (Indicators 1, 2, 3, 4, 5, 6, 7, 8 and 14) and how data from the B15 Worksheet regarding violations of IDEA can be tied to these indicators.

DECS understands that a guidance document regarding this issue will be released by OSEP at a future date. However, for FFY 2006, the only indicators in which KDE can link the violations listed in the B15 Worksheet are Indicators 11, 12 and 13. DECS is prepared to revise its database to collect the required data for Indicator 15 once the OSEP guidance is issued.

**Table 1**  
**Indicator B15 Worksheet**

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	108	50
2. Percent of youth with IEPs dropping out of high school.				
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Dispute Resolution	0	0	0
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Other: Specify	0	0	0



Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	12	0	0
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Dispute Resolution	0	0	0
	Other: Specify	0	0	0
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring: On-site visits, self-assessment, local APR, desk audits etc.	0	0	0
	Dispute Resolution	0	0	0
	Other: Specify	0	0	0

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
5. Percent of children with IEPs aged 6 through 21 – educational placements.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	12	0	0
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution	4	4	4
	Other: Specify	0	0	0
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	42	31
	Dispute Resolution	1	1	1
	Other: Specify	0	0	0

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
9 Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of Inappropriate identification.  10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	0	0
	Dispute Resolution	0	0	0
	Other: Specify	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	12	0	0
	Dispute Resolution	0	0	0
	Other: Specify	0	0	0

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring: On-site visits, self-assessment, local APR, desk audit, etc.	176	67	45
	Dispute Resolution	0	0	0
	Other: Specify	0	0	0
<b>Other Topical Areas</b>				
Child find, evaluation and reevaluation	Monitoring: On-site visits, self-assessment, local APR desk audit, etc.	12	7	7
Determination of Eligibility		12	8	8
Individual Education Program		12	9	9
Due Process Procedures		12	8	8
Free Appropriate Public Education	Dispute Resolution	6	6	6
Individual Education Program		4	4	4
Discipline		1	1	1
Confidentiality		1	1	1

Indicator	General Supervision System Components	Number of Programs Monitored	(a) Number of Findings of noncompliance identified in FFY 2005 (7/1/05 – 6/30/06)	(b) Number of Findings from (a) for which correction was verified no later than one year from identification
<i>Sum the numbers down Column a and Column b</i>			268	174
Percent of noncompliance corrected within one year of identification = <b>64.92%</b> (column (b) sum divided by column (a) sum) times 100				

### On-site monitoring

During FFY 2005, on-site monitoring visits were conducted in twelve Kentucky districts. These districts were selected for visits based upon a series of filters and criteria established by KDE. The first filter was to include all districts for potential visits that failed to meet Adequate Yearly Progress (AYP) from the previous year in math, reading or both areas. State assessment data for these districts were further disaggregated and districts were rank ordered from highest to lowest in how students with disabilities performed in relation to the comparable state numbers. In addition, rank ordering was done for the districts whose students reported the lowest overall performance in reading and math in the state. At this level, each of these factors carried equal weight.

These various measures were compiled giving each district a score. The districts with the lowest scores were selected for visits, though considerations were made for districts that recently had on-site visits or were already receiving state assistance through either a Special Education Mentor or a Highly Skilled Educator (HSE). These visits were conducted between January and May 2006. All findings of non-compliance identified through these visits were corrected within one year and are included in the Indicator B-15 Worksheet within this section.

### **Kentucky Continuous Monitoring Process (KCMP)**

The KCMP is an annual self-assessment that the 176 Kentucky school districts are required to complete (including the Kentucky School for the Blind and Kentucky School for the Deaf). The KCMP collects district level data directly for Indicators 11, 12 and 13. In addition, data gleaned from the KCMP assists DECS in determining compliance or performance for Indicators 2, 3, 4, 6, 7, 8, 9, 10 and 14 at the district, regional and state levels. As part of the self-assessment, districts are required to provide data analysis for each KCMP indicator and to develop either a plan for maintenance or improvement (i.e., a corrective action plan) depending on the level of performance or compliance for each KCMP indicator.

Until FFY 2005, the KCMP had been utilized strictly as a “continuous improvement” activity; thus, no findings of noncompliance were issued to districts prior to that time.

FFY 2006 is the first year for which the state has data for the correction of noncompliance within one year of identification. This has resulted in a noticeable drop in the compliance rate for Indicator 15. The shift of paradigms resulting from changing the focus of the KCMP has been a barrier to some districts in recognizing the urgency that all compliance issues must be corrected in a timely manner. See each respective APR compliance indicators for specific discussion pertinent to that indicator.

The KCMP Monitoring Document template can be downloaded at:  
[www.education.ky.gov](http://www.education.ky.gov).

### Formal Complaints

During FFY 2005, there were 12 formal written complaints where DECS found the school district in violation of IDEA with 16 findings of non-compliance. 100% of the CAPS issued by DECS during FFY 2005 as a result of findings of noncompliance were corrected within one year of notification of the district.

OSEP's June 15, 2007 Response Letter to KDE required a report on the status for all outstanding formal complaints CAPS issued during FFY 2004. The FFY 2004 CAPS were the responsibility of the Office of Legal and Legislative Services (OLLS), which investigated complaints, issued findings of non-compliance and closed CAPS until FFY 2005.)

All FFY 2004 CAPS have been closed by OLLS. Since FFY 2005 when DECS was given responsibility for formal complaints, all CAPS issued by DECS have been closed within one year of the districts' notification of findings of non-compliance.

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006

Activity	Discussion of Improvement Activities Completed
A DECS staff person will be assigned to enter complaint data into the database. The staff person will produce and send monthly updates on complaint data for the DECS director, complaint investigators and DECS staff responsible for Indicator 15.	<p>After the initial entry of data by the Director's secretary, DECS complaint investigators enter data on complaints assigned to them. The complaint database now contains data from FFY 2005 and 2006 complaints.</p> <p>The next step is to establish protocol for querying the system and running data printouts in a systematic manner, to double-check data entry and to review pending timelines.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006**

Activity	Timeline	Resource
<p><b>New Activity:</b></p> <p>DECS will require all districts who have uncorrected findings of noncompliance related to KCMP, on-site visits, management audits or other general supervision components exceeding the one year timeline to bring a team of specified district administrators and staff to participate in training provided by DECS relative to the affected areas of noncompliance.</p>	<p>Spring -Summer 2008</p> <p>On-going</p>	<p>DECS staff</p> <p>Special Education Cooperative Staff</p>
<p><b>Justification:</b></p> <p>This sanction of focused training and technical assistance is required to ensure all districts understand the importance and magnitude of correcting findings of noncompliance in a timely manner. This activity will assist in equipping districts that have compliance issues to correct their deficiencies.</p>		

Activity	Timeline	Resource
<p><b>New Activity:</b></p> <p>DECS will develop procedures and protocols for conducting on-site visits, management audits and scholastic audits to enhance the state's general supervision system and to include built in mechanisms to ensure compliance is achieved by districts in a timely manner.</p> <p>In addition, the KCMP Monitoring Document will be revised to include checkpoints regarding the correction of previous findings of noncompliance identified through this process.</p>	<p>January 2008 – August 2008</p>	<p>DECS Monitoring Staff</p> <p>KCMP Subcommittee</p>
<p><b>Justification:</b></p> <p>Since timely correction of noncompliance is an issue in Kentucky, these steps will help focus both district and state staff to make sure compliance is achieved and maintained.</p>		



Activity	Timeline	Resource
<p><b>Revised Activity:</b></p> <p>DECS will update its database to track on-going timelines for formal complaints, due process hearings and monitoring and will add data points to track findings related to performance indicators.</p> <p>The database will include mechanisms for tracking the timeliness of DECS' complaint investigations and monitoring timelines, and the completion of the CAP within one year.</p> <p>Timelines will be monitored within the process.</p>	<p>January 2008 – Ongoing through 2011</p>	<p>DECS</p>
<p><b>Justification:</b></p> <p>This activity is nearly complete for complaints and due process hearings. Yet to be finalized are the automatic tickler systems that track the timeliness of the complaint and hearing process and the completions of CAPS within a year.</p> <p>It was difficult for DECS to provide compliance data for the SPP performance indicators, since this was a part of the original database. After guidance in this area is received from OSEP, the change to remedy this situation will be made during 2008-09.</p>		

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100

FFY	Measurable and Rigorous Target
2006-2007	One hundred (100)% of signed written complaints with reports issued will be resolved within a 60-day timeline or a timeline extended for documented exceptional circumstances.

**Actual Target Data for FFY 2006: 100%**

26 of 26 signed complaints filed with the Kentucky Department of Education were resolved within the 60-day timeline or a properly extended timeline. The Measurement used was 21 reports within timelines, plus 5 reports with properly extended timelines, divided by 26 total complaints with reports issued, multiplied by 100 = 100%.

KDE submitted Section 618 data to OSEP on November 1, 2007 that reported data in the area of IDEA dispute resolution. Table 7 is found in its entirety at the end of Indicator 19.

A segment of the Section 618 data from Table 7 regarding written complaints follows. It is labeled as Table 1:

**Table 1**

KDE Section 618 Data for Formal Complaints

WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	45
(1.1) Complaints with reports issued	26

<b>WRITTEN, SIGNED COMPLAINTS</b>	
<b>(a) Reports with findings</b>	<b>12</b>
<b>(b) Reports within timelines</b>	<b>21</b>
<b>(c) Reports with properly extended timelines</b>	<b>5</b>
<b>(1.2) Complaints withdrawn or dismissed</b>	<b>19</b>
<b>(1.3) Complaints pending</b>	<b>0</b>
<b>(a) Complaint pending a due process hearing</b>	<b>0</b>

Of the 45 written complaints filed with KDE, 19 complaints were withdrawn by the person filing the complaint. Kentucky has a process at the beginning of the 60-day time period that allows districts to self-investigate the complaint allegations against them. Many complaints are withdrawn during this period, often in large districts where Directors of Special Education may not have been aware of the parent's complaint.

Of the remaining 26 complaints that were not withdrawn, 21 complaint reports were completed by KDE within the 60-day timeline. Five reports were completed within a timeline extended for exceptional circumstances with respect to the particular complaint.

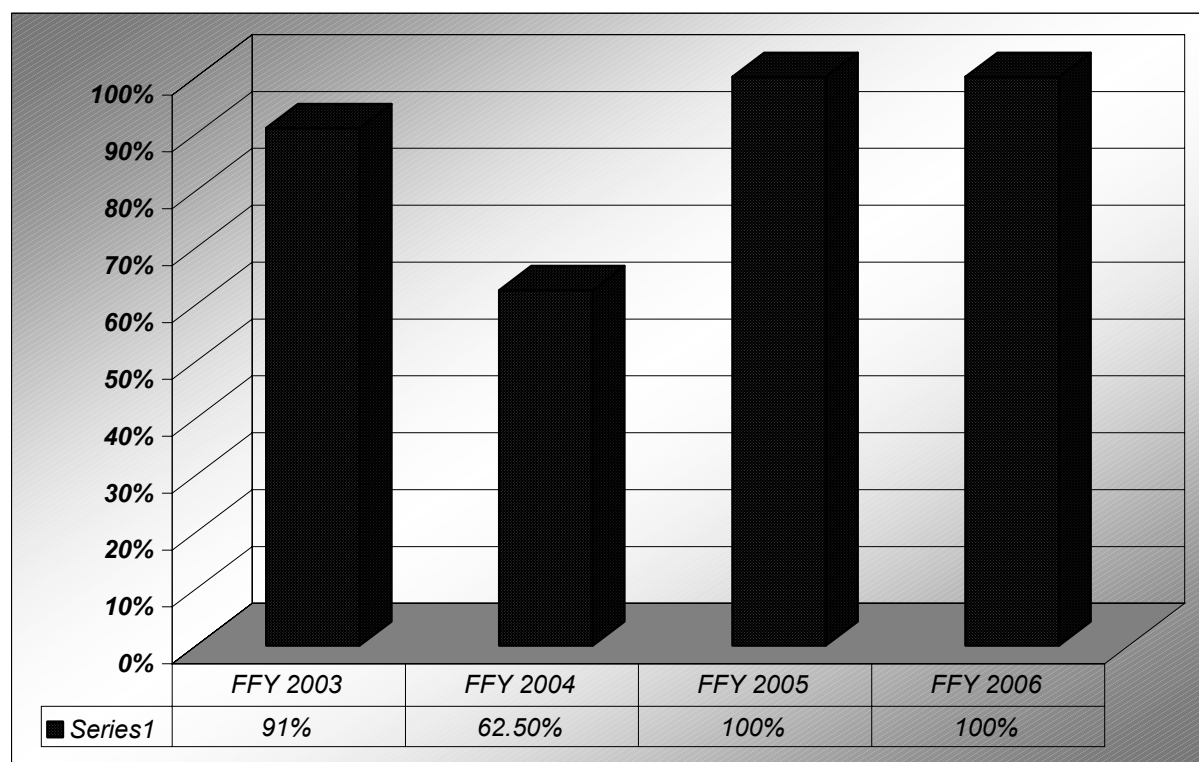
**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

KDE has maintained its level of 100% compliance in this area over the past two years.

**Table 2**

<b>FFY</b>	<b>Complaints with Reports Issued</b>	<b>Reports within Timelines</b>	<b>Reports within Extended Timelines</b>	<b>Percentage Resolved within Timelines</b>
2003	35	32	3	91%
2004	32	20	12	62.5%
2005	15	8	7	100%
2006	26	21	5	100%

Graph 1



Compliance with Indicator 16 for the past two years is the result of the relocation of responsibility for written complaint investigations to the Division of Exceptional Children Services (DECS). Prior to FFY 2005, KDE's Office of Legal and Legislative Services (OLLS) was responsible for investigating formal complaints. This office also handles many other non-special education issues and was less effective in addressing special education complaints.

During the past year, data from formal written complaints has been entered by the DECS complaint investigators into the DECS electronic database. Data entered includes information from FFY 2005 and 2006 complaints. DECS believes that the complaint data base and the resulting tracking of relevant data will become an integral part of KDE's general supervisory responsibility.

Since the database is relatively new, a system of checks and balances for the complaint database will be added as an activity both for Indicators 16 and 17. Double-checking data entry and periodic review of the data will be an integral part of the system.

**Discussion of Improvement Activities**

<b>Activity</b>	<b>Discussion of Improvement Activities Completed</b>
DECS will monitor complaint timelines on an on-going basis and assign additional staff, if needed, to investigate complaints.	In FFY 2006, the number of formal written complaints increased from 26 to 45, an increase of 73%. 19 of the 45 complaints were withdrawn, mostly during the districts' self-investigation time period. No additional staff was needed to investigate the remaining 26 complaints.
DECS Director will require written justification from the investigators explaining the "exceptional circumstance" prior to extending the timelines for complaints.	DECS complaint investigators continue to present written requests for extensions to the Director prior to the Director extending the 60-day timeline. Requests for extensions are based upon exceptional circumstances with regard to a particular complaint. For FFY 2006, timeline extensions were given in 5 complaint investigations, based on exceptional circumstances.
DECS will update its database to track on-going timelines for formal complaints. The database will include mechanisms for tracking the timeliness of DECS' investigation and ensuring completion of the Corrective Action Plan by the district within one year.	The DECS formal complaint database is operational. Data from FFY 2005 and 2006 have been entered into the database during the past year.
A DECS staff person will be assigned to enter complaint data into the database. The staff person will produce and send bi-weekly updates on complaint data for the DECS director, complaint investigators and DECS staff responsible for SPP Indicators 15 and 16.	After the initial entry of data by DECS staff, DECS complaint investigators enter data on complaints assigned to them. The complaint database now contains data from FFY 2005 and 2006 complaints.  The next step is to establish protocol for querying the system and running data printouts in a systematic manner, to double-check data entry and to review pending timelines.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006**

Activity	Timelines	Resources
<b>New activity:</b> Data system protocol will be established to ensure the accuracy of data entered and to the track pending written complaint timelines.	FFY 2007 through FFY 2008	DECS
<b>Justification:</b> The database requires a protocol to be developed with a system of checks and balances that ensures accurate data entry. After the system is established, the activity of bi-weekly updates of complaint data will be started.		

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 17:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent =  $(3.2(a) + 3.2(b))$  divided by  $(3.2)$  times 100

FFY	Measurable and Rigorous Target
2006-2007	One hundred percent (100%) of fully adjudicated due process hearings are fully adjudicated within the 45-day timeline or within a timeline that is appropriately extended and properly documented by the hearing officer at the request of either party.

**Actual Target Data for FFY 2006: 33%**

One of three fully adjudicated due process hearings was fully adjudicated with the 45-day timeline or within a timeline properly extended at the request of either party by the hearing officer, and properly documented. The Measurement used to determine the target data for FFY 2006 was 0 hearings fully adjudicated within timelines, plus 1 hearing fully adjudicated within extended timelines, divided by 3 fully adjudicated hearings, multiplied by 100 = 33%.

The data used in the measurement comes from Table 7 of KDE's Section 618 report, submitted to OSEP on November 1, 2007. Table 7 in its entirety may be found at the end of Indicator 19. The section of 618 Data from Table 7 that is relevant to due process hearing requests is reproduced below, as Table 1:

**Table 1**  
**KDE Section 618 Data for Hearing Requests**

<b>SECTION C: HEARING REQUESTS</b>	
(3) Hearing requests total	25
(3.1) Resolution sessions	15
(a) Settlement agreements	12
(3.2) Hearings (fully adjudicated)	3
(a) Decisions within timeline	0
(b) Decisions within extended timeline	
(3.3) Resolved without a hearing	10

As set forth in Table 1, three of the twenty-five hearings requested were fully adjudicated by a hearing officer. What the Table does not show is that two of the three adjudicated hearings involved the same student and school district as parties. The two hearings were assigned to one hearing officer and were combined into one proceeding. In extending timelines at the request of the parties, the hearing officer mistakenly ordered the timeline extended to the hearing date, not the date the hearing decision was to be rendered. In essence, one mistake by one hearing officer caused two hearings requests to be untimely resolved, even though only one hearing proceeding was untimely.

The third completely adjudicated hearing had properly extended timelines, with the hearing decision rendered within the timelines.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

A review of KDE's data regarding timeliness of hearing decisions reveals that for the past two years, KDE has achieved full compliance with Indicator 17. See Graph 1 and Table 2 below.

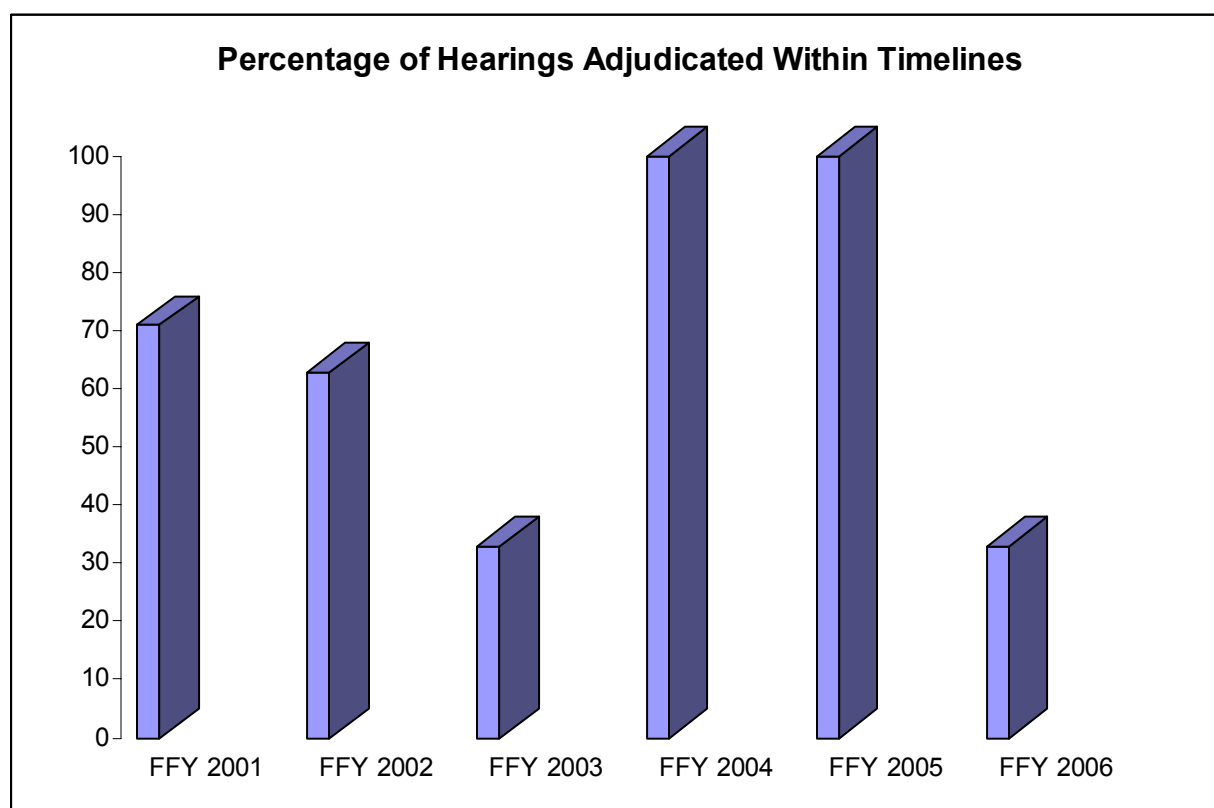
This year's non-compliance is the same issue that affected KDE's FFY 2003 compliance with hearing timelines. At that time, KDE was out of compliance with Indicator 17, due to KDE hearing officers mistakenly extending timelines to the date of the hearing instead of the date the hearing decision was to be rendered.



To remedy the error, KDE attorneys discussed the issue with the hearing officers, both informally and formally at hearing officer training. Since then, KDE has been at 100% compliance for this indicator for both FFY 2004 and FFY 2005. (The hearing officer whose error caused this year's non-compliance received the original training and information regarding the timeline requirements when it was provided.)

To remedy the noncompliance, OLLS sent notices to all hearing officers regarding extensions of timelines that comply with IDEA, along with a sample Pre-hearing Order that will assist hearing officers in complying with the timeline requirement. The sole hearing officer whose error caused the noncompliance has been notified and advised that the mistake has caused KDE to be in violation of IDEA's provision on the timeliness of hearing decisions.

**Graph 1**



**Table 2**  
**SSP Indicator 17 Trend Data**

<b>FFY</b>	<b>% of Fully Adjudicated Hearings Timely Resolved</b>
2001	71%
2002	63%
2003	33%
2004	100%
2005	100%
2006	33%

Another factor in the slippage is the separation of DECS from the KDE office responsible for administering IDEA due process hearings (the Office of Legal and Legislative Services or OLLS). DECS and OLLS are administratively and physically separate, which affects efficient communication between them. This separation has resulted in miscommunication regarding the operation of the due process hearing database. Had the hearing database been operational, the error that occurred may have been prevented.

### **Discussion of Improvement Activities Completed**

<b>Activity</b>	<b>Discussion of Activities Completed</b>
KDE will consider the timeliness of hearing decisions in contract renewals for current hearing officers.	<p>KDE 's three-person review panel that evaluates hearing officer applications considered timeliness of hearing decisions as a factor in awarding contracts for FFY 2005, FFY 2006 and FFY 2007.</p> <p>Currently hearing officer contracts are awarded for a two-year period. The review panel will consider timeliness of hearing decisions during the next round of hearing officer applications.</p>

Activity	Discussion of Activities Completed
<p>DECS will update its electronic database to track on-going timelines for due process hearings. The database will include a section to enter data on extensions of the 60-day timeline issued by hearing officers, and will automatically track whether the hearing is finalized by the set timelines.</p>	<p>The database was developed and became functional in Summer 2006. While initial hearing data was entered by OLLS, follow-up data including data on hearing timelines were not entered due to confusion regarding the functioning of the database.</p> <p>Meetings have been held between OLLS and DECS regarding usage of the database. The development of protocol for data entry and review (see revised Activities below) should remedy the issue.</p> <p>This activity has also been added to Indicator 16.</p>
<p>The Director's secretary will have access to the hearing database and will report on the status of hearing timelines to the Director on a weekly basis.</p>	<p>All required data has not been entered into the hearing database. This activity is in process.</p>
<p>The Office of Legal and Legislative Services in conjunction with DECS will continue annual training of hearing officers on the requirements of the APR and SPP regarding timely adjudication of hearings.</p>	<p>Training of hearing officers on SPP/APR requirements was held in 2005 and 2006. At the time, this requirement and the importance of the State Performance Plan were strongly emphasized.</p> <p>The next hearing officer training will be scheduled during FFY 2007. At that time, the requirements regarding timely adjudication of hearings will again be highlighted.</p>

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006:**

Activity	Timelines	Resources
<p><b>Revised Activity:</b> Data system protocol will be established to ensure that data is entered and is accurate. Periodic data printouts will become a part of the protocol, to ensure that statutory timelines are observed by KDE.</p>	<p>FFY 2007 through FFY 2008</p>	<p>DECS</p>

Activity	Timelines	Resources
<b>Justification for Revision:</b> This activity will establish a system of ensuring that data are accurately entered into the hearing database. It will also assist with the implementation of original SPP activities regarding the tracking of hearing timelines.		

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = 3.1(a) divided by (3.1) times 100

FFY	Measurable and Rigorous Target
2006-2007	Seventy percent (70%) of hearing requests that went to resolution sessions are resolved through resolution session settlement agreements.

**Actual Target Data for FFY 2006: 80%.**

KDE has exceeded this year's Target and has reached its FFY 2010 Target of 80% four years ahead of time.

The Measurement used to calculate actual target data was 12 settlement agreements resulting from resolution sessions divided by 15 resolution sessions convened, multiplied by 100 = 80%.

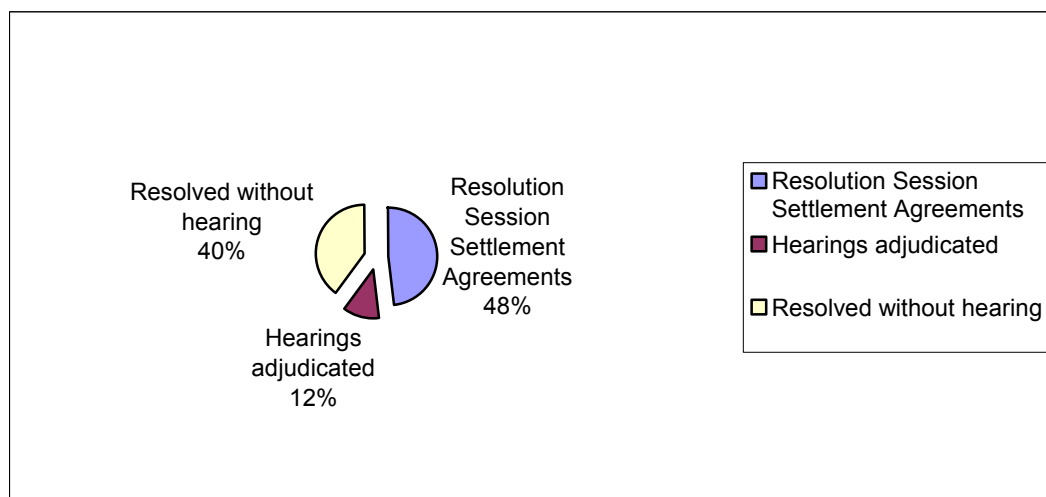
This data used in the Measurement comes from Table 7 of KDE's Section 618 report, submitted to OSEP on February 1, 2007. Table 7 in its entirety may be found at the end of Indicator 19. The relevant section of Section 618 data from Table 7 regarding due process hearings and resolution sessions is set forth below: as Table 1.

**Table 1**  
KDE Section 618 Data for Hearings and Resolution Sessions

<b>SECTION C: HEARING REQUESTS</b>	
(3) Hearing requests total	25
(3.1) Resolution sessions	
(a) Settlement agreements	12
(3.2) Hearings (fully adjudicated)	3
(a) Decisions within timeline	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	10

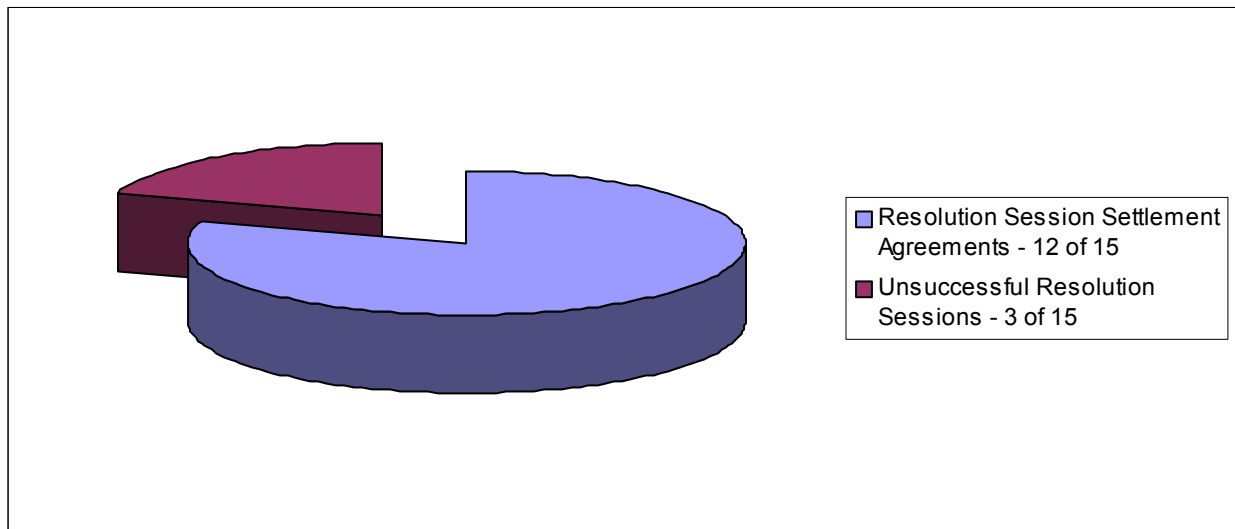
25 hearings were requested in FFY 2006. Of the 25 hearings, 15 resolution sessions were held. Of the 15 resolution sessions held, 12 were resolved through settlement agreements. The 3 unsuccessful resolution sessions were resolved through fully adjudicated hearings. The 10 hearing requests in which resolutions sessions were not held either went to mediation, were informally settled by the parties or were withdrawn by the parties.

**Graph 1**  
**Disposition of Hearing Requests**



Of the 15 resolution sessions held, 12 or 80% were resolved through a settlement agreement. Three (20%) of the resolution sessions held were not resolved through agreement. All three were fully adjudicated through the hearing process. Two of the three fully adjudicated hearings involved the same parties.

**Graph 2**  
**Percentage of Successful Resolution Sessions**



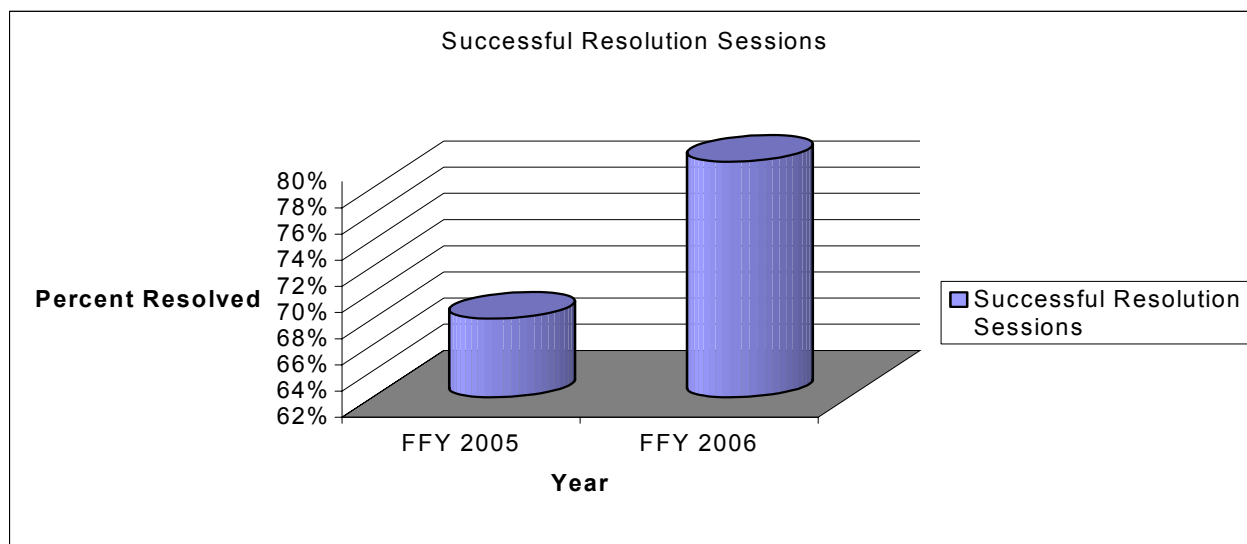
**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress:** FFY 2006 is the first year for reporting progress or slippage on the target data for Indicator 18.

In FFY 2005, 68% of hearing requests in which resolution sessions were held were settled by resolution sessions. This progress (from 68% in FFY 2005 to 80% in FFY 2006) can be attributed to hearing officers and parties having a better understanding of the resolution session process and its role for resolving disputes.

FFY 2005 was the first year in which resolution sessions were required by IDEA. Hearing officers and the parties experienced some uncertainty about the process, timelines and other options allowed by the new law. As a result, even though most Kentucky hearings were resolved in FFY 2005, KDE was required to count as unsuccessful several hearings that were settled by agreement because the settlement came after the formal resolution session was held. This year, hearing officers understood that, if the parties wanted to settle the hearing, they either needed to do so within the 15 days set for the resolution session or waive the resolution session and enter into mediation.

**Graph 3**  
**Percentage of Resolution Sessions Resolved By Agreement**



### Discussion of Improvement Activities Completed

Activity	Discussion of Improvement Activities Completed
DECS and the Office of Legal and Legislative Services (OLLS) will provide information to hearing officers regarding the data needed for tracking resolution sessions results. Additional updates will be provided at KDE hearing officer training.	<p>In October 2006, DECS provided a template to OLLS to send to Hearing Officers to capture data from resolution sessions. OLLS has also sent a sample hearing order to assist hearing officers in documenting resolution sessions.</p> <p>Updates on resolution sessions will be provided at KDE hearing officer training held in FFY 2007.</p>
KDE will develop training on the availability of resolution agreements and present the information in conjunction with mediation training described in Indicator 19.	Information on resolution sessions was presented at Kentucky's annual Council for Exceptional Children (CEC) Conference.
KDE will place resolution session information on the KDE web site.	Links to OSEP and CADRE web sites containing information on resolutions sessions have been added to the KDE web site.



**Revisions, with Justification, to Proposed Targets / Improvement Activities /  
Timelines / Resources for FFY 2006:**

No revisions.

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 19:** Percent of mediations held that resulted in mediation agreements.  
(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent = (2.1(a)(i) + 2.1(b)(i)) divided by (2.1) times 100

FFY	Measurable and Rigorous Target
2006-2007	Sixty-one percent (61%) of all mediations requested will result in mediation agreements.

**Actual Target Data for FFY 2006: 75%.**

Kentucky has exceeded its goal for FFY 2006 by 14%.

The Measurement used to calculate the Actual Target Data was adding the number of mediation agreements that were related to due process hearings (four agreements) to the number of mediation agreements that were not related to due process (eight agreements). The total number of mediation agreements (12) was divided by the number of mediations held (16), and multiplied by 100, for a 75% resolution rate.

The raw data used to calculate the actual target data comes from Table 7 of KDE's Section 618 Data Report. Table 7 was submitted to OSEP on November 1, 2007. The entire report is attached at the end of this Indicator as Table 2.

The relevant mediation data from the Section 618 report is set forth on the following page as Table 1:

**Table 1**  
**KDE Section 618 Data for Mediations**

<b>SECTION B: MEDIATION REQUESTS</b>	
(2) Mediation requests total	19
(2.1) Mediations	16
(a) Mediations related to due process	
(i) Mediation agreements	4
(b) Mediations not related to due process	10
(i) Mediation agreements	8
(2.2) Mediations not held (including pending)	3

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:**

**Explanation of Progress:**

KDE has exceeded its target for this indicator for the second year in a row. The target for FFY 2006, as set out in the FFY 2005 SPP, was 61%. As noted above, the actual percentage of FFY 2006 mediations resolved by agreement was 75%, which exceeds the target by 14%. For FFY 2005, the actual percentage of mediations resolved exceeded the projected target by 9%.

As stated in last year's APR, an explanation of progress is difficult to pinpoint. Due to the low number of mediations requested in Kentucky, any minor fluctuation in number of mediations resolved by agreement would significantly affect the actual target data.

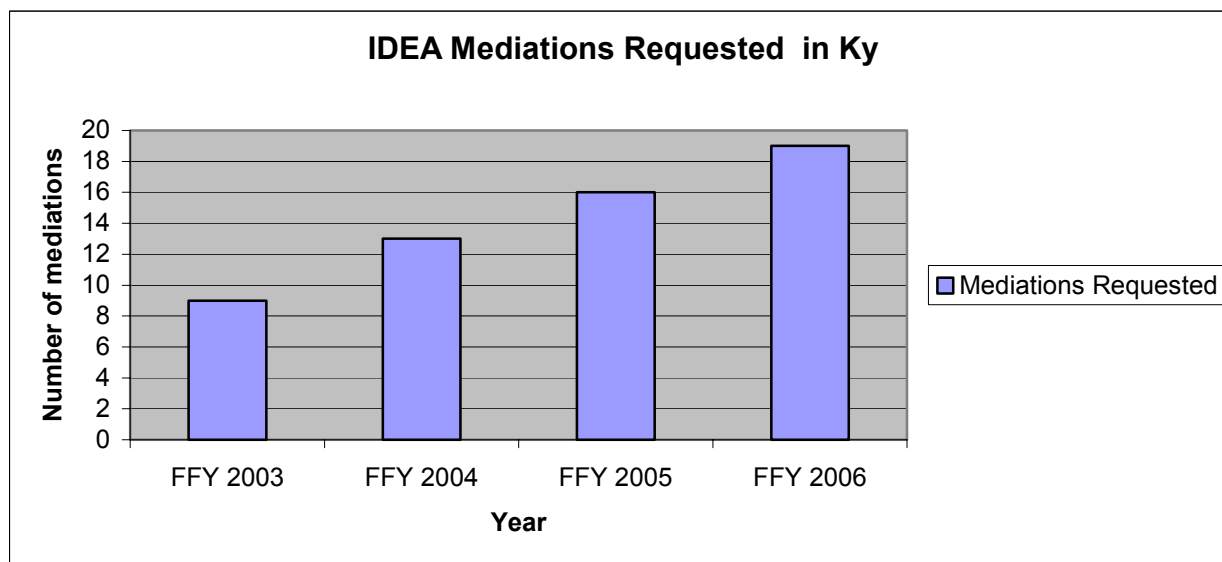
Although not required by the SPP, KDE has developed a goal to increase the number of mediations requested. More mediations requested means that small changes in numbers would not result in significant changes in the percentage of mediations resolved by agreement. This would give greater validity to progress on the yearly targets.

In FFY 2006, 19 mediations were requested as compared to 16 mediations requested in FFY 2005. This is an increase of almost 16% and is the fourth straight year that the number of mediations has increased in Kentucky. See Graph 1.

In spite of improvement in this area, KDE feels the number of mediations requested needs to increase. KDE wants to utilize mediation as a viable alternative to hearings and formal complaints, so that the resolution of IDEA disputes is less adversarial.

Greater numbers of mediations requested will also give greater validity to the target data.

**Graph 1**  
**Increase in Mediations Requested (FFY 2003-2006)**



**Discussion of Improvement Activities Completed**

Activity	
Activities to Increase Percentage of Mediations Resolved	<b>Discussion of Improvement Activities Completed</b>
DECS will develop and distribute guidance to parents and districts regarding the pros and cons of mediation and other dispute resolution processes, to ensure that parties' expectations of mediation meet the capabilities of the process.	OSEP guidance on the comparison of IDEA dispute resolution procedures has been posted on the KDE web site.  This is an on-going activity.

Activity	
Activities to Increase Percentage of Mediations Resolved	Discussion of Improvement Activities Completed
DECS will convene a group of diverse stakeholders including advocacy groups, parent groups, IHEs and local school districts to gather, develop and publicize mediation resources.	<p>In 2007, the mediation work group was reorganized, using members of DECS' General Supervision work group as the core team.</p> <p>The initial meeting of the reorganized work group was to begin brainstorming ideas on barriers in Kentucky to the use of mediation in resolving special education disputes.</p> <p>The next meeting is set for February 2008.</p> <p>This is a continuing activity.</p>
DECS staff will present regarding the topic of mediation with current or former mediators at the 2006 Parent/ Professional Conference, 2006 Regional Training Center Conference, the 2007 Head Start conference and the 2007 CEC Conference.	DECS staff and current/ former mediators presented at three statewide conferences. Sessions have not been well attended. This activity will continue during FFY 2007 but may be eliminated next year, depending on the response to upcoming training.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2006:**

Activity	Timelines	Resources
<b>Omitted Activity:</b> DECS will distribute video on mediation process to Parent Resource Centers, co-ops, and statewide parent groups or publicize web site address with information regarding web access to the materials.		
<b>Justification:</b> This activity has been omitted, due to the former mediation work group's lack of enthusiasm for the video.		
<b>Omitted activity:</b> DECS / stakeholders will present mediation trainings to a minimum of 4 forums around the state.		

Activity	Timelines	Resources
<b>Justification:</b> Instead of requesting the new mediation stakeholder group to provide mediation training on a statewide basis, the training activity will be absorbed into mediation training currently being provided by DECS and current/ former mediators at state-level training events.		
DECS will evaluate the strengths and weaknesses of the current mediation system and act on the findings. This will include obtaining materials on research-based mediation systems or other successful mediation processes.	<b>Revised timeline:</b> Timeline revised from March 2006 –June 2008 to FFY 2007-09.	<b>Revised resources:</b> The Mediation work group will be added as a resource to DECS and Mid-South Regional Resource Center.
<b>Justification:</b> The new mediation work group began reviewing barriers to the use of mediation at its first meeting. The activity has been revised to change the timeline to give the work group adequate time for its review. The resources have been revised to include the work of the mediation work group.		

**TABLE 2**  
REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
2006-07

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Written, signed complaints total	45
(1.1) Complaints with reports issued	26
(a) Reports with findings	12
(b) Reports within timelines	21
(c) Reports with extended timelines	5
(1.2) Complaints withdrawn or dismissed	19
(1.3) Complaints pending	0
(a) Complaint pending a due process hearing	0

<b>SECTION B: MEDIATION REQUESTS</b>	
(2) Mediation requests total	19
(2.1) Mediations	16
(a) Mediations related to due process	6
(i) Mediation agreements	4
(b) Mediations not related to due process	10
(i) Mediation agreements	8
(2.2) Mediations not held (including pending)	3

<b>SECTION C: HEARING REQUESTS</b>	
(3) Hearing requests total	25
(3.1) Resolution sessions	15
(a) Settlement agreements	12
(3.2) Hearings (fully adjudicated)	3
(a) Decisions within timeline	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	10

<b>SECTION D: EXPEDITED HEARING REQUESTS (RELATED TO DISCIPLINARY DECISION)</b>	
(4) Expedited hearing requests total	0
(4.1) Resolution sessions	0
(a) Settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

### Part B State Annual Performance Report (APR) for FFY 2006

**Overview of the Annual Performance Report Development:** See Introduction.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

State reported data, including 618 data and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

FFY	Measurable and Rigorous Target
2006-2007	100% of state reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate..

**Actual Target Data for FFY 2006: 100% timely and 100% accurate data.**

The December 1, FFY 2006 Child Count, FFY 2006 Environment, and FFY 2005-2006 Assessment Data Tables were mailed to the Office of Special Education Programs (OSEP) and emailed to Westat on January 31, 2007. Tables for Personnel, Discipline and Exiting were either mailed to OSEP and emailed to Westat as of November 1, 2007 or submitted through the Education Data Exchange Network (EDEN) as of November 1, 2007. The FFY 2005 SPP and APR were submitted to OSEP on January 30, 2007, prior to the due date of February 1, 2007.

All of these submissions were made on or before their due dates. The target for FFY 2006 was met.



**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2006:****Section 618 Data**

The Division of Exceptional Children Services (DECS) staff continued to facilitate the advisory group for the special education tracking system (SETS) to the student information system (SIS). This group met on at least three occasions during the 2005-2006 school year. During these meetings the group reviewed concerns gathered from districts across the state relative to SETS. These issues were discussed and consideration was given to each concern.

Over the course of these meetings, a number of modification requests to the current SETS module of the SIS were recommended to the leadership at KDE that oversees the SIS. KDE leadership submitted these requests to the SIS vendor for estimates on development hours required. The advisory group reviewed the response from the vendor and, based on the available hours of development that could be devoted to the SETS component, prioritized the requested items for modification.

The SETS advisory group also worked with the vendor in developing the agenda for the Start of Year and End of Year trainings. In addition, the group revised the SETS Data Standards Reference Guide. This guide establishes a standard definition for data items in SETS.

The SIS continues to maintain a Support Desk to offer help and assistance to users of the SETS product. This support desk can be accessed via toll free phone lines or email. Support Desk staff communicates regularly with DECS staff to resolve issues consistent with federal and state laws.

Staff from DECS received and reviewed local district Section 618 data to assure the validity and quality of these data. Reviews included monitoring submissions, checking data tables to make sure data are complete, and checking for internal validity and integrity. When errors in local school district data submissions were detected, the district's Director of Special Education (DoSE) was contacted to make adjustments to the data as necessary.

**Annual Performance Report**

The DECS SPP/APR work group met on a monthly basis during the calendar year 2006. Sub-groups working on various SPP indicators have also met to work on the activities and targets of their individual indicators. These groups have reported back to the larger group on progress with meeting the stated activities and timelines contained in the SPP. Several SPP indicators (Indicators 4A, 12 and 15-17) focus on data collection activities to improve KDE's collection and analysis of data. KDE believes better data will result in improved outcomes for students with disabilities.

Staff has met throughout the year and the SPP/APR is always a focus of discussion. It is important to note that the monthly meetings of the SPP/APR work group involve many DECS staff. Information and updates are readily available. In addition, staff on the work group meet informally with other KDE staff to acquire data and other information necessary to complete work on the various indicators.

DECS staff attended various meetings related to the SPP and APR that were either sponsored or co-sponsored by the US Department of Education. This includes the annual 'Part B and Part C Data Managers Meeting' May 21-25 in Bethesda, Maryland; the 'National Accountability Conference' September 17-20 in Denver, Colorado; the 'OSEP Leadership Conference' August 29-30 in Washington, DC; and the 'NASDSE Conference' November 12-14 in Williamsburg, Virginia. Information from these conferences was shared with the SPP/APR work group and DECS staff.

DECS also attended a number of regional SPP/APR meetings and conferences calls sponsored by Mid-South Regional Resource Center. The purpose of the meetings and calls was to increase SEA staff's knowledge of the APR requirements, so as to improve upon this year's submission of both the APR and SPP.

Meetings with the State Advisory Panel for Exceptional Children (SAPEC) have addressed the SPP and APR so that DECS could receive SAPEC input and guidance on new targets and activities. The SAPEC was instrumental in setting measurable and rigorous targets for both FFY 2006 and in previous years.

These ongoing and continuous activities for both the Section 618 Data and the State Performance Plan/Annual Performance Report assure submissions that are not only timely and accurate but which are also a valid measure of Kentucky's special education performance. As a result of these activities, DECS was able to improve upon its baseline performance with respect to timely submission of these reports.

Though KDE determined its percentages for being Timely and Accurate separately, the same process was used for both, as described in the revised SPP for this indicator. In brief, KDE counted the number of reports that were submitted to OSEP and computed a percent of those reports that were submitted on or before their due dates for FFY 2004, FFY 2005, and FFY 2006. For accuracy, KDE determined that if a data report had to be re-submitted, it was not accurate and calculated the percent of reports that were resubmitted for both FFY 2004 and FFY 2005. (See Tables 20A and 20B on the following pages.) KDE did not use the OSEP Scoring Rubric to calculate the baseline, as it appeared to focus on district-level performance of data submissions rather than State performance.

The baseline data reported in the SPP for this indicator for the 2004-2005 school year was:

**Table 20A: 2004-2005 Report of Timeliness and Accuracy of Federal Reporting**

Status	Table 1	Table 2	Table 3	Table 4	Table 5	Table 6	SPP	APR	Percent
Timely	0	1	0	1	1	NA	NA	1	66.67%
Accurate	0	1	0	0	0	NA	NA	1	33.33%

**Table 20B: 2005-2006 Report of Timeliness and Accuracy of Federal Reporting**

Status	Table 1	Table 2	Table 3	Table 4	Table 5	Table 6	SPP	APR	Percent
Timely	1	1	1	1	1	1	1	NA	100.00%
Accurate	0	1	0	1	1	0	0	NA	42.86%

**Table 20C: 2006-2007 Report of Timeliness and Accuracy of Federal Reporting**

Status	Table 1	Table 2	Table 3	Table 4	Table 5	Table 6	Table 7	SPP	APR	Percent
Timely	1	1	1	1	1	1	1	1	1	100.00%
Accurate	1	1	1	1	1	1	1	1	1	100.00%

The tables above (**20A, 20B, and 20C**) document that, during the FFY 2004 baseline year, Kentucky was 66.67% timely with data submissions of six (6) federal reports. Tables 1 and 2 of the Section 618 data were past due while Table 6 and the SPP were not required submissions. For accuracy, Table 20A shows that during the baseline year, Kentucky had to revise four (4) of the six (6) reports due to changes in their contents. Table 20B reports the same information for FFY 2005 for all eight (8) reports. Note that for FFY 2005, the APR was not applicable (NA) as this was the initial year for submitting the SPP. This table demonstrates that Kentucky was 100.00% timely with all reports submitted by their due dates.

For FFY 2006, Table 20C documents 100.00% Timely and 100.00% Accurate.

The above tables demonstrate that the accuracy of Kentucky's submissions over the past three years improved from 33.33% (FFY 2004) to 42.86% (FFY 2005) and to 100.00% (FFY 2006). Timely submissions of these reports improved from 66.67% in FFY 2004 to 100.00% for both FFY 2005 and FFY 2006.

#### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2005**

At this time, DECS does not propose any changes to the current targets or improvement activities, as significant progress was made from FFY 2005 to FFY 2006.